



**City of Trenton**  
**REGULAR COUNCIL MEETING AGENDA**  
September 2nd, 2021 - 7:30 p.m.

**CALL TO ORDER**

**PRAYER**

Pastor Tim Smith

**ROLL CALL**

**APPROVAL OF MINUTES**

1. Minutes of the August 19th, 2021 Work Session.
2. Minutes of the August 19th, 2021 Council Meeting.

**CORRESPONDENCE**

1. None.

**PRESENTATIONS**

1. None.

**AUDIENCE OF PUBLIC**

**UNFINISHED BUSINESS**

1. None.

**PUBLIC HEARINGS**

1. None.

**NEW BUSINESS**

None.



## **LEGISLATION**

1. AN ORDINANCE REPEALING SECTION 870.05 SPECIAL EVENT PERMIT OF THE CODE OF ORDINANCES. **(Third Reading)**
2. ORDINANCE AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$1,369,000 OF VARIOUS PURPOSE BOND ANTICIPATION NOTES, 2021 RENEWAL, BY THE CITY OF TRENTON, OHIO, IN ANTICIPATION OF THE ISSUANCE OF BONDS, AND DECLARING AN EMERGENCY. **(First Reading)**
3. AN ORDINANCE PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$250,000 PLAYGROUND EQUIPMENT BOND ANTICIPATION NOTES, BY THE CITY OF TRENTON, OHIO, IN ANTICIPATION OF THE ISSUANCE OF BONDS, AND DECLARING AN EMERGENCY. **(First Reading)**
4. AN ORDINANCE PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$3,985,000 WATER SYSTEM IMPROVEMENT BOND ANTICIPATION NOTES, SERIES 2020, 2021 RENEWAL, BY THE CITY OF TRENTON, OHIO, IN ANTICIPATION OF THE ISSUANCE OF BONDS, AND DECLARING AN EMERGENCY. **(First Reading)**
5. ORDINANCE AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$5,604,000 OF VARIOUS PURPOSE BOND ANTICIPATION NOTES, BY THE CITY OF TRENTON, OHIO, IN ANTICIPATION OF THE ISSUANCE OF BONDS, AND DECLARING AN EMERGENCY. **(First Reading)**
6. A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE BUTLER COUNTY AUDITOR AND DECLARING AN EMERGENCY. **(First Reading)**
7. A RESOLUTION REQUESTING THE BUTLER COUNTY AUDITOR TO ADVANCE TO THE TREASURER OF THE CITY OF TRENTON, OHIO, TAXES ASSESSED AND COLLECTED FOR AND ON BEHALF OF THE CITY OF TRENTON, OHIO AND DECLARING AN EMERGENCY. **(First Reading)**





8. AN ORDINANCE AMENDING SECTION 1268.02 PERMITTED USES; CATEGORIES OF PUDS OF THE CODIFIED ORDINANCES OF THE CITY OF TRENTON, OHIO. **(First Reading)**
9. AN ORDINANCE AMENDING SECTION 1268.03 AREA, DENSITY AND LOT REGULATIONS OF THE CODIFIED ORDINANCES OF THE CITY OF TRENTON, OHIO. **(First Reading)**
10. AN ORDINANCE AMENDING SECTION 1268.04(a) INTERIOR STREETS OF THE CODIFIED ORDINANCES OF THE CITY OF TRENTON, OHIO. **(First Reading)**
11. AN ORDINANCE AMENDING SECTION 1268.06 OFF-STREET PARKING OF THE CODIFIED ORDINANCES OF THE CITY OF TRENTON, OHIO. **(First Reading)**
12. AN ORDAINANCE BY THE COUNCIL OF THE CITY OF TRENTON, OHIO:  
That Section 1268.07 of the Code of Ordinances of the City of Trenton, Ohio is hereby deleted in its entirety and replaced with that set forth on Exhibit A, attached hereto and made a part hereof. **(First Reading)**
13. AN ORDINANCE AMENDING SECTION 1268.12 EROSION AND SEDIMENTATION CONTROL OF THE CODIFIED ORDINANCES OF THE CITY OF TRENTON, OHIO. **(First Reading)**
14. AN ORDINANCE AMENDING SECTION 1268.24 REVISION OF APPROVED FINAL DEVELOPMENT PLAN OF THE CODIFIED ORDINANCES OF THE CITY OF TRENTON, OHIO. **(First Reading)**

#### **REPORTS**

#### **AUDIENCE OF COUNCIL**

#### **ADJOURNMENT**



## **Council Work Session Minutes**

**August 19<sup>th</sup>, 2021**

**6:30 pm**

Mayor Calvin Woodrey called the August 19<sup>th</sup> Council work session to order at 6:30pm. All members of Council and necessary administration were present. Mayor Woodrey asked that City Manager Marcos Nichols begin. CM Nichols asked Planning and Zoning Administrator, Bill Jones to discuss Ordinances regarding Section 826.03 and Section 826.08. Mr. Jones explained that these ordinances were up for a third reading, explaining they were adding a definition and what the restrictions were for directional signs. He asked if there were any questions, there were not.

Next CM Nichols asked Service Director, Rob Leichman to discuss the Motion regarding Industrial Park Road Project for \$970,056.40. He reviewed the other bids that came in. He explained that they extended the deadline from December until spring. They said Shape Corp was okay with this delay. He suggested to Council that the best bid was through Kelchner. HE asked if there were questions, there were none.

Next CM Nichols had Finance Director, Mike Engel discuss Correspondence items; Statement of Cash Position, Treasury Investment Report, and the Fund Balance Status Report. Mr. Engel explained that all fund balances were looking good and that they were all within their fund balance compliance. Next he reviewed the Motion to authorize Then and Now for Smith and Brown for the sewer repair on Clara. Due to the invoice coming before the P.O. had been made. Next he stated that Butler County recycling asked if we would place a flyer in our next water bill regarding some unique upcoming recycling events. He then stated he would need to call an Admin/Audit Committee meeting as the final audit has come in. Finally he stated that the Bond anticipation renewal notes would be on the September 2<sup>nd</sup> Council meeting agenda for their first reading.

City Attorney Nick Ziepfel reviewed the verbal Resolution he was adding to this evening's agenda. Stating it was a Resolution to accept One Ohio Settlement, explaining this was a nationwide settlement due to the Opioid pandemic, he explained the tentative settlement based on regions population, The City could expect to receive \$58,000 - \$84,000. This is a class action and we are still unsure on when and what the money can be spent on. If the City wishes to accept the settlement, this will need to be passed this evening as an emergency due to the deadline.

City Manager, Marcos Nichols discussed the Ordinance regarding Section 850.07, Special Event Permit, once again explaining that as of now any event no matter the size must be approved by all department heads, the revised code will require only larger events to have this requirement. Finally he stated he had an Executive Session Request To consider confidential information related to marketing plans, specific business strategy, production techniques, trade secrets, or personal financial statements of an applicant for economic development assistance.

Vice Mayor Perry added that Council would also need an executive session to discuss charges or complaints against a public employee.

Councilman Agee made a motion to go into executive session for the purposes stated above. Roll call was taken; 7 ayes, 0 nays, 0 absent. Council went into executive session at 7:11pm.

Councilman Agee made a motion to come out of executive session and adjourn the work session at 7:40pm, Councilwoman Harris seconded his motion. Roll call was taken; 7 ayes, 0 nays, 0 absent.

Work Session was adjourned.

**City of Trenton**  
**REGULAR COUNCIL MEETING MINUTES**  
August 19th, 2021 - 7:30 p.m.

**CALL TO ORDER**

Mayor Calvin Woodrey called the regular Council meeting to order at 7:46pm.

**PRAYER**

Pastor Keith Risner from Edgewood Baptist Church led us in prayer, followed by the pledge of allegiance to our flag.

**ROLL CALL**

Council Clerk Daley took roll call; all members of Council were present.

**APPROVAL OF MINUTES**

1. Minutes of the August 5th, 2021 Work Session.
2. Minutes of the August 5th, 2021 Council Meeting.  
A motion was made by Vice Mayor Perry to approve the minutes of the August 5<sup>th</sup>, 2021 and was seconded by Councilman Nichols. Roll call was taken; 6 ayes, 0 nays, 0 absent, 1 abstain.

**CORRESPONDENCE**

1. Statement of Cash Position
2. Treasury Investment Report
3. Fund Balance Status Report  
All fund balances are within compliance.

**PRESENTATIONS**

1. None.

**AUDIENCE OF PUBLIC**

None.

**UNFINISHED BUSINESS**

1. None.

## **PUBLIC HEARINGS**

1. None.

## **NEW BUSINESS**

1. A MOTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH KELCHNER INC. FOR THE CONSTRUCTION OF THE INDUSTRIAL PARK ROAD PROJECT FOR THE CITY OF TRENTON IN THE AMMOUNT NOT TO EXCEED NINE HUNDRED SEVENTY THOUSAND, FIFTY-SIX DOLLARS AND FORTY CENTS (\$970,056.40) AND FURTHER AUTHORIZING THE CITY MANAGER TO SIGN ALL REQUIRED DOCUMENTS RELATED THERETO.

A motion was made to authorize by Vice Mayor Perry, followed by a second by Councilman Perry. Roll call was taken; 7 ayes, 0 nays, 0 absent.

2. A MOTION AUTHORIZING THE CITY MANAGER TO PAY FOR THE EMERGENCY SANITARY SEWER LINE AND MANHOLE REPAIR ON CLARA DRIVE, PAYABLE TO SMITH & BROWN CONTRACTORS, AT A COST OF \$3,528.69 AND FURTHER, AUTHORIZING THE TREASURER TO APPROVE THE THEN AND NOW CERTIFICATE RELATED THERETO IN COMPLIANCE WITH AND PURSUANT TO OHIO REVISED CODE SECTION 5705.41(D) AND CITY OF TRENTON RESOLUTION NO. 09-2012.

A motion was made to authorize by Vice Mayor Perry, followed by a second by Councilman Perry. Roll call was taken; 7 ayes, 0 nays, 0 absent.

## **LEGISLATION**

A motion was made to add a verbal Resolution to the agenda, and to suspend the three readings and vote on this resolution this evening by Vice Mayor Perry, followed by a second by Councilman Agee. Roll call was taken; 7 ayes, 0 nays, 0 absent.

- A RESOLUTION TO ACCEPT THE MATERIAL TERMS OF THE ONE OHIO POLITICAL SUBDIVISION SETTLEMENT ON BEHALF OF THE CITY OF TRENTON AND IN ACCORDANCE WITH THE ONE OHIO MEMORANDUM OF UNDERSTANDING AND THE TERMS OF THE JULY 21, 2021 NATIONAL OPIOID SETTLEMENT AGREEMENT AND DECLARING AN EMERGENCY.

A motion to accept was made by Vice Mayor Perry, followed by a second by Councilman Agee. Roll call was taken; 7 ayes, 0 nays, 0 absent.

\*Vice Mayor Perry made a motion to read items #1- #3 by title only, followed by a second by Councilwoman Harris. Roll call was taken; 7 ayes, 0 nays, 0 absent. City attorney Nick Ziepfel read items 1 – 3 by title only, pausing after items 1 and 2 to allow for a vote.

1. AN ORDINANCE AMENDING SECTION 826.03 OF THE CODIFIED ORDINANCES OF THE CITY OF TRENTON, OHIO. **(Third Reading)**

A motion to amend was made by Vice Mayor Perry, followed by a second by Councilman Agee. Roll call was taken; 7 ayes, 0 nays, 0 absent.

2. AN ORDINANCE AMENDING SECTION 826.08 OF THE CODIFIED ORDINANCES OF THE CITY OF TRENTON, OHIO. **(Third Reading)**

A motion to amend was made by Vice Mayor Perry, followed by a second by Councilman Agee. Roll call was taken; 7 ayes, 0 nays, 0 absent.

3. AN ORDINANCE REPEALING SECTION 870.05 SPECIAL EVENT PERMIT OF THE CODE OF ORDINANCES. **(Second Reading)**

The third reading will be at the September 2<sup>nd</sup> meeting.

**REPORTS**

None.

**AUDIENCE OF COUNCIL**

Councilwoman Harris asked that everyone be aware that school is resuming, she asked for prayers for the students and staff. She then stated that the Trenton Moose lodge was awarded the most charitable moose lodge, she congratulated them.

Councilwoman Combs stated that it was a thrill getting to watch Zach Apple throw out the first pitch at the Red's game. She congratulated him again.

Councilman Perry congratulated the Moose lodge for their award, he then stated that everyone needed to visit State Street Coffee.

Councilman Agee thanked everyone for the prayers for his daughter, her surgery went well.

Councilman Nichols gave a quick explanation of why he was wearing sunglasses stating he had a procedure done making his eyes sensitive to the light. He then stated that movie at the park had a great turn-out and they had great weather.

Vice-Mayor Perry stated he was very happy about the movie attendance, he again thanked everyone involved. He then congratulated the Trenton Moose lodge.

Mayor Woodrey welcomed State Street Coffee to the community, he then congratulated the Moose lodge and the local owner's for its success. Finally he stated that long time city employee Shirley Ledford passed away. He stated she was a good friend and will be truly missed.



### **EXECUTIVE SESSION**

To discuss the Hiring, Firing, or Discipline of a Public Employee

A motion to go into executive session for the above reasons was made by Vice Mayor Perry, followed by a second by Councilman Agee. Roll call was taken; 7 ayes, 0 nays, 0 absent. Council went into executive session at 8:05pm.

A motion to come out of executive session was made at 10:09pm to come out of executive session by Vice Mayor Perry, followed by a second by Councilman Agee. Roll call was taken; 7 ayes, 0 nays, 0 absent.

### **ADJOURNMENT**

Vice Mayor Perry made a motion to adjourn this evening's proceedings followed by a second by Councilman Agee. Roll call was taken; 7 ayes, 0 nays, 0 absent. The August 19<sup>th</sup> Council Meeting was adjourned at 10:10pm.

## City Council Meeting Staff Report

Report to: The Honorable Mayor Calvin Woodrey & Members of the City Council

Report From: Marcos Nichols, City Manager

Agenda Item: An Ordinance repealing Section 870.05 Special Event Permit of the Code of Ordinances.

Ordinance/Resolution/Motion Ordinance	1 <sup>st</sup> Reading Date: 8-5-21 2 <sup>nd</sup> Reading Date: 8-19-21 3 <sup>rd</sup> Reading Date: 9-2-21 Motion Date: Resolution Date: Public Hearing Date:	<b>Strategic Goals</b> Connected Community Economic Vitality <u>Operational Excellence</u> Strong & Secure Neighborhoods <u>General Operations</u>
Contract	Contract Required: N/A	Additional Document(s) Attached:
Fiscal Impact	Budgeted: N/A Expenditure: N/A Source Funds: N/A	<i>Please see further, more detailed information regarding the fiscal impact in the summary section of this report.</i>

### Policy Issue

Does City Council wish to adopt an Ordinance that will eliminate the Section regarding Administrative Secretary?

### Policy Alternative

City Council can choose to not approve the ordinance and keep the Section regarding Special Event Permits. The current code language dictates a specific process that must be followed for any activity that involves City property and 10 people or more. City Council can choose to amend the language and keep the Section in the code.

### Staff Recommendation

Staff recommends that Council receive this report and adopt the necessary Ordinance to eliminate the Special Event Permit Section of Code.

### Statutory/Policy Authority

- Article III, Legislative Action, of the Charter of the City of Trenton.

### Fiscal Impact Summary

This has no fiscal impact. This is eliminating language specifically regarding the special event permit process.

### Background Information

In moving our paper forms to completely paperless and utilizing the website more for automation, staff found that for a shelter reservation for a 2 year old's birthday party of 10 or more people – it requires the approval of the Police Chief, Fire Chief, Service Director, and City Manager. To ensure that the City is utilizing LEAN process improvement practices, with various operational processes – staff's recommendation is to repeal this section.

### Attached Information

- Red-Lined Language.

ORDINANCE NO. \_\_-2021

AN ORDINANCE REPEALING SECTION 870.05 SPECIAL EVENT PERMIT OF THE CODE OF ORDINANCES.

WHEREAS, it is the desire of City Administration and City Council to repeal the Section of Code that references a Special Event Permit; and

WHEREAS, after reviewing the Code, it was determined this language was unnecessary, as this permit is too restricting and does not allow the day-to-day operational flexibility; and

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TRENTON, OHIO:

SECTION 1: That Section 870.05 of the Code of Ordinances of the City of Trenton, Ohio is hereby repealed.

SECTION 2: That this ordinance shall take effect and be in full force from and after the earliest period allowed by law.

PASSED \_\_\_\_\_  
AYES \_\_\_\_\_ NAYS \_\_\_\_\_  
ABSENT \_\_\_\_\_  
First Reading \_\_\_\_\_  
Second Reading \_\_\_\_\_  
Third Reading \_\_\_\_\_

Calvin Woodrey \_\_\_\_\_  
Mayor  
Rules Suspended  
AYES \_\_\_\_\_  
ABSENT \_\_\_\_\_

ATTEST:

Laura Daley \_\_\_\_\_  
Clerk of Council

CERTIFICATE

I, the undersigned Clerk of Council, hereby certify that the above Ordinance is a true and correct copy as passed by the Council of the City of Trenton on the \_\_\_\_ day of \_\_\_\_\_, 2021 and that at least a majority of the elected members voted in the affirmative on said motion.

\_\_\_\_\_  
Clerk of Council

#### 870.05. SPECIAL EVENT PERMIT.

~~—(a) Whenever a person, party or other entity desires to use City property for purposes of a special event, parade, celebration or other activity involving the property of the City and more than ten people, a special event permit shall be completed and submitted to the City Manager at least ten business days prior to the event occurrence.~~

~~—(b) The special event permit will be submitted to the City Manager, Chief of Police, Fire Chief and Service Director for approval. Final approval rests solely with the City Manager, who shall review the permit application and approve or reject said application at least five business days prior to the event occurrence.~~

~~—(c) No fee shall be charged for this permit.~~

~~—(d) No special event shall occur without a special event permit required under this section submitted and approved as required above.~~

~~—(e) Whoever violates this section shall be subject to the penalties provided in Section 870.99.~~

~~(Ord. 23-2001. Passed 6-21-01.)~~

## City Council Meeting Staff Report

Report to: The Honorable Mayor Calvin Woodrey & Members of the City Council

Report From: Michael E. Engel, Treasurer

Agenda Item: An Ordinance providing for the issuance of \$1,369,000 Various Purpose Combining BANs 2021 Renewal

<b>Ordinance/Resolution/Motion</b> <i>Ordinance</i>	1 <sup>st</sup> Reading Date: 9/2/2021	<b>Strategic Goals</b> Connected Community <b>Economic Vitality</b> Operational Excellence Strong & Secure Neighbor <b>General Operations</b>
	2 <sup>nd</sup> Reading Date: 9/16/2021	
	3 <sup>rd</sup> Reading Date: 10/7/2021	
	Motion Date:	
	Resolution Date:	
	Public Hearing Date:	
<b>Contract</b>	Contract Required: No	Additional Document(s) Attached:
<b>Fiscal Impact</b>	Budgeted: Yes	<i>Please see further, more detailed information regarding the fiscal impact in the summary section of this report.</i>
	Expenditure: \$1,369,000	
	Source Funds: Various	

### **Policy Issue**

Does City Council wish to adopt: Renewal from 2020 of Ordinance to form Combining Ordinance for Various Purpose BANs, Series 2021.

### **Policy Alternative**

City Council can choose to not approve. Projects are already underway or completed. This renewal Ordinance combines multiple BAN ordinances for marketability and issuance advantages.

### **Staff Recommendation**

Staff recommends that Council receive this report and adopt the necessary Ordinance.

### **Statutory/Policy Authority**

- ORC and Ordinances of the City of Trenton.

### **Fiscal Impact Summary**

To provide for the combining of various purpose BANs dated November of 2020, in order to gain sale and pricing advantages.

### **Background Information**

This combining Ordinance combined the \$442,000 Equipment Acquisition BAN (radios and Police CAD), the \$500,000 Fire Truck Acquisition BAN, and the \$293,000 Water System Improvement BAN (Wayne-Madison Road); with the \$200,000 Sewer Main Extension BAN, the \$195,000 Public Works Building BAN, the \$140,000 Purchase of the Industrial Park Land BAN, the \$45,000 Utilities Extension BAN, and the \$200,000 Douglas Avenue Water Main Repair BAN. The paydowns on these various BANs brings the renewal amount down from \$2,015,000 to \$1,369,000.





Staff Report  
(DATE OF CITY COUNCIL MEETING)

**Attached Information**

- No Attachment

### **CERTIFICATE OF MEMBERSHIP**

The undersigned, City Manager of the City of Trenton, County of Butler, Ohio, hereby certifies that the following were the officers and members of Council during the period when proceedings were taken authorizing the issuance of not to exceed \$1,369,000 Various Purpose Bond Anticipation Notes, 2021 Renewal, dated the date of their issuance:

Mayor	<u>Calvin G. Woodrey</u>
Vice Mayor	<u>Ryan Perry</u>
City Manager	<u>Marcos Nichols</u>
Treasurer	<u>Michael E. Engel</u>
Member of Council	<u>Jennifer Harris</u>
Member of Council	<u>Jennifer J. Combs</u>
Member of Council	<u>Dale Perry</u>
Member of Council	<u>Cody Agee</u>
Member of Council	<u>Raymond L. Nichols</u>
Clerk of Council	<u>Laura Daley</u>
City Attorney	<u>Nicholas J. Ziepfel</u>

\_\_\_\_\_  
City Manager

### **TRANSCRIPT CERTIFICATE**

The undersigned, Clerk of Council of said Municipality, hereby certifies that the following is a true and complete transcript of all proceedings relating to the authorization and issuance of the above identified notes.

\_\_\_\_\_  
Clerk of Council

**CERTIFICATE AS TO MAXIMUM MATURITY OF  
BONDS AND BOND ANTICIPATION NOTES**

The undersigned, being the fiscal officer of the City of Trenton, Ohio, within the meaning of Section 133.01 of the Uniform Public Securities Law of the Ohio Revised Code, hereby certifies to the City Council that the estimated life of the improvements financed with the proceeds of the sale of not to exceed \$1,369,000 of bonds, for the purposes of renewing notes originally issued for the purposes of (i) acquiring equipment for the municipal police, fire and public works departments, including radios and computer systems; (ii) making improvements to the municipal water system, including extension of water mains; and (iii) acquiring a new fire truck for the fire department; (iv) providing funds to construct sewer system improvements; (v) building a new building for the public works department; and (vi) making water system improvements in the City, is at least five (5) years and that the maximum maturity of said bonds, in accordance with Section 133.20 of the Uniform Public Securities Law of the Ohio Revised Code, is seventeen (17) years, and the maximum maturity of notes issued in anticipation thereof is eighteen (18) years.

IN WITNESS WHEREOF, I have hereunto set my hand this 2<sup>nd</sup> day of September, 2021.

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Treasurer

CITY OF TRENTON, OHIO

ORDINANCE NO. \_\_\_\_\_

ORDINANCE AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$1,369,000 OF VARIOUS PURPOSE BOND ANTICIPATION NOTES, 2021 RENEWAL, BY THE CITY OF TRENTON, OHIO, IN ANTICIPATION OF THE ISSUANCE OF BONDS, AND DECLARING AN EMERGENCY.

WHEREAS, the City has previously issued bond anticipation notes which are outstanding in the amount of \$2,015,000, which are about to mature and which should be renewed in a reduced amount of \$1,369,000; and

WHEREAS, the fiscal officer of the City has estimated the life or period of usefulness of the improvements as at least five (5) years, and certified the maximum maturity of the bonds to be issued to finance the same as seventeen (17) years, and of notes issued in anticipation thereof as eighteen (18) years;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Trenton (hereinafter called the "City"), Butler County, Ohio:

SECTION 1. That it is hereby declared necessary to issue bonds of the City of Trenton, County of Butler, Ohio, in the principal amount of not to exceed \$1,369,000 bearing interest estimated at five per centum (5%) per annum and maturing over a period of not more than seventeen (17) years, for the purposes of permanently financing notes originally issued for the purposes of (i) acquiring equipment for the municipal police, fire and public works departments, including radios and computer systems; (ii) making improvements to the municipal water system, including extension of water mains; and (iii) acquiring a new fire truck for the fire department; (iv) providing funds to construct sewer system improvements; and (v) building a new building for the public works department; and (vi) making water system improvements in the City.

SECTION 2. That it is hereby determined that notes (hereinafter called the "Notes") in the principal amount of not to exceed \$1,369,000 shall be issued in anticipation of the issuance of said bonds.

SECTION 3. That the Notes shall be dated their date of issuance, shall bear interest at the rate not to exceed four percent (4%) per annum, payable at maturity, shall mature not later than one year from the date of issuance, and shall be of the denomination or denominations as may be requested by the purchaser or purchasers thereof all as determined by the Treasurer or the City Manager without further action by this Council, except that the denominations shall be \$100,000 or any integral multiple of \$1,000 in excess of \$100,000. The terms of such Notes, which shall be in compliance with Chapter 133 of the Ohio Revised Code, shall be set forth in a certificate of award (the "Certificate of Award"), which is hereby authorized and which shall be executed by the City Manager or the Treasurer without further action by this council.

SECTION 4. That the Notes shall be executed by the City Manager and may but shall not be required to bear the seal of the corporation. The Notes shall be designated "Various Purpose

Bond Anticipation Notes, 2021 Renewal,” and shall be payable at the office of the Treasurer of the City or such bank or trust company as is designated by the Treasurer or City Manager and the purchaser, and shall express upon their face the purpose for which they are issued and that they are issued in pursuance of this Ordinance.

SECTION 5. The City Manager and Treasurer are hereby authorized to combine the Notes with two other issues of notes authorized under separate legislation purposes of (i) acquiring wellfields for the water department; and (ii) acquiring and installing playground equipment. If so combined, such consolidated issue of bonds shall be known as “Various Purpose Bond Anticipation Notes, Series 2021” and shall be dated, mature, and bear interest, be executed, and be denominated in a manner consistent with the provisions of this ordinance relating to the bonds authorized therein. The proceeds from the sale of such consolidated issue shall be apportioned, deposited and credited in accordance with Section 132.32 of the Revised Code to the respective purposes and funds in accordance with the amount of notes authorized by this ordinance and the amount of notes authorized by the ordinances providing for the issuance of not to exceed \$3,985,000 Water System Improvement Bond Anticipation Notes, Series 2020, 2021 Renewal; not to exceed \$250,000 Playground Equipment Bond Anticipation Notes.

SECTION 6. That the Notes shall be sold at public or private sale at not less than the par value of such Notes together with interest thereon, if any. The proceeds from such sale, except accrued interest thereon, shall be paid into the proper funds and used for the purpose aforesaid and for no other purpose. Accrued interest, if any, received on sale of said Notes shall be transferred to the bond retirement fund to be applied to the payment of principal of and interest on said Notes in the manner provided by law.

Notwithstanding the above, the Council and the Treasurer are hereby directed to withhold delivery of the notes, and to refuse to accept payment therefor, unless and until the original purchaser delivers to the City a certificate acknowledging that the original purchaser will sell the notes to no more than 35 persons, each of whom the original purchaser reasonably believes (i) has such knowledge and experience in financial and business matters that it is capable of evaluating the merits and risks of the prospective investment and (ii) is not purchasing for more than one account or with a view to distributing the notes.

The City Manager or the Treasurer is hereby directed to report to this Council as soon after the sale and award of such notes as is reasonably feasible, the interest rate for such notes.

SECTION 7. That the Notes shall be the full general obligations of the City, and the full faith, credit and revenue of the City are hereby pledged for the prompt payment of the same.

SECTION 8. That during the period while the Notes run there shall be levied upon all of the taxable property in the City, within applicable limitations, in addition to all other taxes, a direct tax annually, not less than that which would have been levied if bonds had been issued without the prior issue of the Notes; said tax shall be and is hereby ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers in the same manner and at the same time that taxes for general purposes for each of said years are certified, extended and collected. Said tax shall be placed before and in preference to all other items and for the full amount thereof.



The funds derived from said tax levy hereby required shall be placed in a separate and distinct fund and, together with interest collected on the same, shall be irrevocably pledged for the payment of the principal and interest of the Notes, or the notes in anticipation of which they are issued, when and as the same fall due; provided, however, to the extent other City revenues are available for such purpose said tax shall not be levied therefor.

SECTION 9. That this Council, for and on behalf of the City, hereby covenants that it will restrict the use of the Notes hereby authorized in such manner and to such extent, if any, and take such other action as may be necessary, after taking into account reasonable expectations at the time the debt is incurred, so that they will not constitute obligations the interest on which is subject to federal income taxation or "arbitrage bonds" under Sections 103(b)(2) and 148 of the Internal Revenue Code of 1986, as amended (the "Code") and the regulations prescribed thereunder. The Treasurer or any other officer having responsibility with respect to the issuance of said Notes is authorized and directed to give an appropriate certificate on behalf of the City, on the date of delivery of said Notes for inclusion in the transcript of proceedings, setting forth the facts, estimates and circumstances and reasonable expectations pertaining to the use of the proceeds thereof and the provisions of said Sections 103(b)(2) and 148 and regulations thereunder.

These Notes are hereby designated "tax-exempt obligations" for the purposes set forth in Section 265(b)(3) of the Code. The City does not anticipate issuing more than \$10,000,000 of "qualified tax-exempt obligations" during the current calendar year.

SECTION 10. That if required by the City's municipal advisor, this Council hereby authorizes and directs the Treasurer or the City Manager to take any and all actions which may be necessary to issue the notes in book-entry-only form or in such form as will render the notes eligible for the services of the Depository Trust Company, New York, New York without further action by this Council, including execution of all documents necessary therefore.

SECTION 11. All appropriate officers of the City are further authorized to make, execute, acknowledge and deliver such agreements, financing statements, closing certificates and other instruments or documents as are, in the opinion of bond counsel, necessary to carry out the purposes of this ordinance.

SECTION 12. That the firm of Dinsmore & Shohl LLP, is hereby engaged as the City's "bond counsel" pursuant to the engagement letter on file with the City.

SECTION 13. The City Manager or the Treasurer is hereby authorized to apply, if he deems it appropriate, for a rating on the Notes from either Standard & Poor's Corporation or Moody's Investors Service, and to pay the fee or premium for said rating to the extent authorized by law and approved by bond counsel.

SECTION 14. That the Treasurer is hereby directed to forward a certified copy of this Ordinance to the County Auditor.

SECTION 15. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements.

SECTION 16. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety in the City for the reason that the immediate issuance of said Notes is required for the timely financing and refinancing of the projects to which this financing relates including obtaining a favorable interest rate, and it shall take effect immediately upon its adoption.

PASSED _____	Calvin G.
	Woodrey/s/ _____
AYES _____ NAYS _____	Mayor
ABSENT _____	Rules Suspended _____
First Reading _____	AYES _____ NAYS _____
Second Reading _____	ABSENT _____
Third Reading _____	

ATTEST:

Laura Daley/s/ \_\_\_\_\_  
Clerk of Council

#### CERTIFICATE

I, undersigned Clerk of Council of the City of Trenton, Ohio hereby certify that the above Ordinance is a true and correct copy as passed by the Council of the City of Trenton, this 7<sup>th</sup> day of October, 2021 and that at least a majority of the elected members voted in the affirmative on said motion.

\_\_\_\_\_  
Clerk of Council

CERTIFICATE

The undersigned hereby certifies that the foregoing is a true and correct copy of Ordinance  
No. \_\_\_\_\_.

\_\_\_\_\_  
Clerk of Council

CERTIFICATE

The undersigned hereby certifies that a copy of the foregoing ordinance was certified  
this day to the Butler County Auditor.

\_\_\_\_\_  
Treasurer

RECEIPT

The undersigned hereby acknowledges receipt of a certified copy of the foregoing  
ordinance.

\_\_\_\_\_  
Butler County Auditor

Dated: \_\_\_\_\_

EXTRACT FROM MINUTES OF MEETING

The Council of the City of Trenton, County of Butler, Ohio, met in \_\_\_\_\_ session, at \_\_\_\_\_.m., on the 7<sup>th</sup> day of October, 2021, at \_\_\_\_\_, with the following members present:

There was presented and read to Council Ordinance No. \_\_\_\_\_, entitled:

ORDINANCE AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$1,369,000 OF VARIOUS PURPOSE BOND ANTICIPATION NOTES. 2021 RENEWAL, BY THE CITY OF TRENTON, OHIO, IN ANTICIPATION OF THE ISSUANCE OF BONDS, AND DECLARING AN EMERGENCY.

M \_\_\_\_\_ moved to suspend the rule requiring each ordinance or resolution to be read on three different days. M \_\_\_\_\_ seconded the motion and, the roll being called upon the question, the vote resulted as follows:

M \_\_\_\_\_ then moved that Ordinance

No. \_\_\_\_ be adopted. M \_\_\_\_\_ seconded the motion and, the roll being called upon the question, the vote resulted as follows:

The ordinance was declared adopted October 7, 2021.

CERTIFICATE

The undersigned, Clerk of Council of said municipality, hereby certifies that the foregoing is a true and correct extract from the minutes of a meeting of the council of said municipality, held on the 7<sup>th</sup> day of October, 2021, to the extent pertinent to consideration and adoption of the above-entitled obligation.

\_\_\_\_\_  
Clerk of Council

## City Council Meeting Staff Report

Report to: The Honorable Mayor Calvin Woodrey & Members of the City Council

Report From: Michael E. Engel, Treasurer

Agenda Item: An Ordinance providing for the issuance of not to exceed \$250,000 Playground Equipment Bond Anticipation Notes.

<b>Ordinance/Resolution/Motion</b> <i>Ordinance</i>	1 <sup>st</sup> Reading Date: 9/2/2021		<b>Strategic Goals</b> Connected Community <b>Economic Vitality</b> Operational Excellence Strong & Secure Neighbor. <b>General Operations</b>
	2 <sup>nd</sup> Reading Date: 9/16/2021		
	3 <sup>rd</sup> Reading Date: 10/7/2021		
	Motion Date:		
	Resolution Date:		
	Public Hearing Date:		
<b>Contract</b>	Contract Required: No		Additional Document(s) Attached:
<b>Fiscal Impact</b>	Budgeted: No		<i>Please see further, more detailed information regarding the fiscal impact in the summary section of this report.</i>
	Expenditure: \$250,000		
	Source Funds: Parks #132		

### Policy Issue

Does City Council wish to adopt: This will provide for the funding mechanism to purchase playground equipment for Community Park.

### Policy Alternative

City Council can choose to not approve. This much anticipated project is underway.

### Staff Recommendation

Staff recommends that Council receive this report and adopt the necessary Ordinance.

### Statutory/Policy Authority

- ORC and Ordinances of the City of Trenton.

### Fiscal Impact Summary

This is a borrowing in the form of a Bond Anticipation Note, which will be paid down over time.

### Background Information

This new playground equipment is needed to replace worn playground equipment at Community Park.

### Attached Information

- No Attachment



## **CERTIFICATE OF MEMBERSHIP**

The undersigned, City Manager of the City of Trenton, Ohio, hereby certifies that the following were the officers and members of Council during the period proceedings were taken authorizing the issuance of not to exceed \$250,000 Playground Equipment Bond Anticipation Notes dated their date of issuance:

Mayor	<u>Calvin G. Woodrey</u>
Vice Mayor	<u>Ryan Perry</u>
City Manager	<u>Marcos Nichols</u>
Treasurer	<u>Michael E. Engel</u>
Member of Council	<u>Jennifer Harris</u>
Member of Council	<u>Jennifer J. Combs</u>
Member of Council	<u>Dale Perry</u>
Member of Council	<u>Cody Agee</u>
Member of Council	<u>Raymond L. Nichols</u>
Clerk of Council	<u>Laura Daley</u>
City Attorney	<u>Nicholas J. Ziepfel</u>

\_\_\_\_\_  
City Manager

## **TRANSCRIPT CERTIFICATE**

The undersigned, Clerk of Council of said Municipality, hereby certifies that the following is a true and complete transcript of all proceedings relating to the authorization and issuance of the above identified notes.

\_\_\_\_\_  
Clerk of Council

**CERTIFICATE AS TO MAXIMUM MATURITY OF  
BONDS AND BOND ANTICIPATION NOTES**

Based upon information provided by and in response to the request of the Council of the City of Trenton, County of Butler, Ohio, the Treasurer of the City of Trenton, Ohio, being the fiscal officer of the City of Trenton, Ohio, within the meaning of Section 133.21 of the Uniform Public Securities Law of the Ohio Revised Code, hereby certifies to the City Council that the estimated life of the improvements to be acquired with the proceeds of the sale of not to exceed \$250,000 of notes, for the purpose of acquiring and installing playground equipment in the City, is at least five (5) years and that the maximum maturity of said bonds is ten (10) years and the maximum maturity of notes is fifteen (15) years.

IN WITNESS WHEREOF, I have hereunto set my hand this 2<sup>nd</sup> day of September, 2021.

---

Treasurer

CITY OF TRENTON, OHIO

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$250,000 PLAYGROUND EQUIPMENT BOND ANTICIPATION NOTES, BY THE CITY OF TRENTON, OHIO, IN ANTICIPATION OF THE ISSUANCE OF BONDS, AND DECLARING AN EMERGENCY.

WHEREAS, Chapter 133 of the Ohio Revised Code provides authority for this Council of the City of Trenton (the "Council") to issue its notes to finance the cost of acquiring and installing playground equipment; and

WHEREAS, the fiscal officer of the City has heretofore estimated that the life of the hereinafter described improvements is at least five (5) years, and certified that the maximum maturity of the bonds is ten (10) years, and of the notes to be issued in anticipation thereof is fifteen (15) years; and

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Trenton (hereinafter called the "City"), County of Butler, Ohio:

SECTION 1. That it is hereby declared necessary to issue bonds of the City of Trenton, County of Butler, Ohio, in the principal amount of not to exceed \$250,000, bearing interest estimated at five per centum (5%) per annum and maturing over a period of ten (10) years, for the purpose of acquiring and installing playground equipment, and related costs.

SECTION 2. That it is hereby determined that notes (hereinafter called the "Notes") in the principal amount of not to exceed \$250,000 shall be issued in anticipation of the issuance of said bonds.

SECTION 3. That the Notes shall be dated their date of issuance, shall bear interest at the rate not to exceed four percent (4%) per annum, payable at maturity, shall mature not later than one year from the date of issuance, and shall be of the denomination or denominations as may be requested by the purchaser or purchasers thereof all as determined by the Treasurer or the City Manager without further action by this Council. The terms of such Notes shall be set forth in a certificate of award (the "Certificate of Award"), which is hereby authorized and which shall be executed by the City Manager or the Treasurer without further action by this council.

SECTION 4. In any case in which redemption of the Notes is permitted or required, notice of redemption will be mailed by the Paying Agent and Registrar to the owners of the Notes or portions of Notes to be redeemed at the addresses shown in the registration records by regular mail at least 30 but not more than 60 days prior to the date of redemption, but in no event will such mailing be a condition precedent to redemption nor will failure to mail such notice affect the validity of the redemption proceedings.

SECTION 5. The City Manager and Treasurer are hereby authorized to combine the Notes with two other issues of notes authorized under separate legislation purposes of permanently financing notes originally issued for the purposes of (i) acquiring equipment for the municipal police, fire and public works departments, including radios and computer systems; (ii) making improvements to the municipal water system, including extension of water mains; and (iii) acquiring a new fire truck for the fire department; (iv) providing funds to construct sewer system improvements; (vii) building a new building for the public works department; and (viii) making water system improvements in the City; and (vii) acquiring wellfields for the water department. If so combined, such consolidated issue of bonds shall be known as "Various Purpose Bond Anticipation Notes, Series 2021" and shall be dated, mature, and bear interest, be executed, and be denominated in a manner consistent with the provisions of this ordinance relating to the bonds authorized therein. The proceeds from the sale of such consolidated issue shall be apportioned, deposited and credited in accordance with Section 132.32 of the Revised Code to the respective purposes and funds in accordance with the amount of notes authorized by this ordinance and the amount of notes authorized by the ordinances providing for the issuance of not to exceed \$1,369,000 Various Purpose Bond Anticipation Notes, 2021 Renewal and not to exceed \$3,985,000 Water System Improvement Bond Anticipation Notes, Series 2020, 2021 Renewal.

SECTION 6. That the Notes shall be executed by the City Manager and shall bear the seal of the corporation. The Notes shall be designated "Playground Equipment Bond Anticipation Notes," and shall be payable at the office of the Treasurer of the City or such bank or trust company as is requested by the purchaser and approved by the Treasurer or the City Manager, and shall express upon their face the purpose for which they are issued and that they are issued in pursuance of this Ordinance.

SECTION 7. That the Notes shall be sold by the Treasurer at public or private sale at a price of not less than the par value of the Notes plus accrued interest, and the proceeds from such sale, except any premium or accrued interest hereon, shall be paid into the proper fund and used for the purpose aforesaid and for no other purpose.

The City Manager or the Treasurer is hereby directed to report to this Council as soon after the sale and award of such notes as is reasonably feasible, the interest rate for such notes.

SECTION 8. That the Notes shall be the full general obligations of the City, and the full faith, credit and revenue of the City are hereby pledged for the prompt payment of the same. The par value received from the sale of bonds anticipated by the Notes, and any excess funds resulting from the issue of the Notes, shall, to the extent necessary, be used only for the retirement of the Notes at maturity, together with interest thereon and is hereby pledged for such purpose.

SECTION 9. That during the period while the Notes run there shall be levied upon all of the taxable property in the City, within applicable limitations, in addition to all other taxes, a direct tax annually, not less than that which would have been levied if bonds had been issued without the prior issue of the Notes; said tax shall be and is hereby ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers in the same manner and at the same time that taxes for general purposes for each of said years are certified, extended and collected. Said tax shall be placed before and in preference to all other items and for the full amount thereof.

The funds derived from said tax levy hereby required shall be placed in a separate and distinct fund and, together with interest collected on the same, shall be irrevocably pledged for the payment of the principal and interest of the Notes, or the bonds in anticipation of which they are issued, when and as the same fall due; provided, however, to the extent other City monies are available and appropriated for such purpose said tax shall not be levied therefor.

SECTION 10. That the firm of Dinsmore & Shohl LLP, is hereby engaged as the City's "bond counsel" pursuant to the engagement letter on file with the City.

SECTION 11. The City Manager or the Treasurer is hereby authorized to apply, if he deems it appropriate, for a rating on the Notes from either Standard & Poor's Corporation or Moody's Investors Service, and to pay the fee or premium for said rating to the extent authorized by law and approved by bond counsel.

SECTION 12. That if deemed necessary by the City's municipal advisor, this Council hereby authorizes and directs the Treasurer or the City Manager to take any and all actions which may be necessary to issue the notes in book-entry-only form or in such form as will render the notes eligible for the services of the Depository Trust Company, New York, New York without further action by this Council, including execution of all documents necessary therefore.

SECTION 13. All appropriate officers of the City are further authorized to make, execute, acknowledge and deliver such agreements, financing statements, closing certificates and other instruments or documents as are, in the opinion of bond counsel, necessary to carry out the purposes of this ordinance.

SECTION 14. That the Treasurer is hereby directed to forward a certified copy of this Ordinance to the County Auditor.

SECTION 15. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.



SECTION 16. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety in the City for the reason that the immediate issuance of said Notes is required for the timely refinancing of the projects to which this financing relates including obtaining a favorable interest rate, and it shall take effect immediately upon its adoption.

PASSED _____	Calvin G. Woodrey/s/ _____
AYES _____ NAYS _____	Mayor
ABSENT _____	Rules Suspended _____
First Reading _____	AYES _____ NAYS _____
Second Reading _____	ABSENT _____
Third Reading _____	

ATTEST:

Laura Daley/s/ \_\_\_\_\_  
Clerk of Council

#### CERTIFICATE

I, undersigned Clerk of Council of the City of Trenton, Ohio hereby certify that the above Ordinance is a true and correct copy as passed by the Council of the City of Trenton, this 7<sup>th</sup> day of October, 2021 and that at least a majority of the elected members voted in the affirmative on said motion.

\_\_\_\_\_  
Clerk of Council

CERTIFICATE

The undersigned hereby certifies that the foregoing is a true and correct copy of Ordinance  
No. \_\_\_\_\_.

\_\_\_\_\_  
Clerk of Council

CERTIFICATE

The undersigned hereby certifies that a copy of the foregoing ordinance was certified this  
day to the County Auditor.

\_\_\_\_\_  
Treasurer

Date: \_\_\_\_\_, 2021

RECEIPT

The undersigned hereby acknowledges receipt of a certified copy of the foregoing  
Ordinance.

\_\_\_\_\_  
County Auditor

Date: \_\_\_\_\_, 2021

EXTRACT FROM MINUTES OF MEETING

The Council of the City of Trenton, Ohio met in regular session at \_\_\_\_\_.m. on the 7<sup>th</sup> day of October, 2021 at its regular meeting place with the following members present:

There was present and read to Council Ordinance No. \_\_\_\_\_, entitled:

AN ORDINANCE PROVIDING FOR THE ISSUANCE OF NOT  
TO EXCEED \$250,000 PLAYGROUND EQUIPMENT BOND  
ANTICIPATION NOTES, BY THE CITY OF TRENTON, OHIO,  
IN ANTICIPATION OF THE ISSUANCE OF BONDS, AND  
DECLARING AN EMERGENCY.

M\_. moved that Ordinance No. \_\_\_\_\_ be adopted. M\_. seconded the motion and the roll being called upon the question, the vote resulted as follows:

The Ordinance was declared adopted October 7, 2021

CERTIFICATE

The undersigned, Clerk of Council of said Municipality, hereby certifies that the foregoing is a true and correct extract from the minutes of a meeting of the Council of said Municipality, held on the 7<sup>th</sup> day of October, 2021, to the extent pertinent to consideration and adoption of the above entitled legislation.

\_\_\_\_\_  
Clerk of Council

## City Council Meeting Staff Report

Report to: The Honorable Mayor Calvin Woodrey & Members of the City Council

Report From: Michael E. Engel, Treasurer

Agenda Item: An Ordinance providing for the issuance of not to exceed \$3,985,000 Water System Improvement Bond Anticipation Notes, Series 2020, 2021 Renewal, by the City of Trenton, Ohio, in anticipation of the issuance of bonds, and declaring an emergency.

<b>Ordinance/Resolution/Motion</b> <i>Ordinance</i>	1 <sup>st</sup> Reading Date: 9/2/2021		<b>Strategic Goals</b>  Connected Community <b>Economic Vitality</b>  Operational Excellence Strong & Secure Neighbor <b>General Operations</b>
	2 <sup>nd</sup> Reading Date: 9/16/2021		
	3 <sup>rd</sup> Reading Date: 10/7/2021		
	Motion Reading Date:		
	Resolution Date:		
	Public Hearing Date:		
<b>Contract</b>	Contract Required: No		Additional Document(s) Attached:
<b>Fiscal Impact</b>	Budgeted: Yes		<i>Please see further, more detailed information regarding the fiscal impact in the summary section of this report.</i>
	Expenditure: \$3,985,000 (Not to exceed) Debt		
	Source Funds: Water Fund		

### Policy Issue

Does City Council wish to adopt? This would provide for a Renewal on a Bond Anticipation Note for the purpose of buying land for water system improvements.

### Policy Alternative

City Council can choose to not approve: The successful purchase of the land has provided wellfield and water tower opportunity as well as development opportunity.

### Staff Recommendation

Staff recommends that Council receive this report and adopt the necessary Ordinance.

### Statutory/Policy Authority

- ORC and ordinances of the City of Trenton.

### Fiscal Impact Summary

This is a borrowing in the form of a Bond Anticipation Note. The original note was in the amount of \$5,355,000, but with the sale of land, \$1,370,000 will be paid down.

### Background Information

With the original industrial park phase 1 land completely occupied, it is prudent to invest in additional undeveloped land, as well as provide for water system improvements.

Attached Information    Agreement attached



Staff Report  
(DATE OF CITY COUNCIL MEETING)

### CERTIFICATE OF MEMBERSHIP

The undersigned, City Manager of the City of Trenton, Ohio, hereby certifies that the following were the officers and members of Council during the period proceedings were taken authorizing the issuance of Not to Exceed \$3,985,000 Water System Improvement Bond Anticipation Notes, Series 2020, 2021 Renewal, dated their date of issuance:

Mayor	<u>Calvin G. Woodrey</u>
Vice Mayor	<u>Ryan Perry</u>
City Manager	<u>Marcos Nichols</u>
Treasurer	<u>Michael E. Engel</u>
Member of Council	<u>Jennifer Harris</u>
Member of Council	<u>Jennifer J. Combs</u>
Member of Council	<u>Dale Perry</u>
Member of Council	<u>Cody Agee</u>
Member of Council	<u>Raymond L. Nichols</u>
Clerk of Council	<u>Laura Daley</u>
City Attorney	<u>Nicholas J. Ziepfel</u>

\_\_\_\_\_  
City Manager

### TRANSCRIPT CERTIFICATE

The undersigned, Clerk of Council of said Municipality, hereby certifies that the following is a true and complete transcript of all proceedings relating to the authorization and issuance of the above identified notes.

\_\_\_\_\_  
Clerk of Council

**CERTIFICATE AS TO MAXIMUM MATURITY OF  
BONDS AND BOND ANTICIPATION NOTES**

Based upon information provided by and in response to the request of the Council of the City of Trenton, County of Butler, Ohio, the Treasurer of the City of Trenton, Ohio, being the fiscal officer of the City of Trenton, Ohio, within the meaning of Section 133.21 of the Uniform Public Securities Law of the Ohio Revised Code, hereby certifies to the City Council that the estimated life of the improvements to be acquired with the proceeds of the sale of not to exceed \$3,985,000 of notes, for the purpose of renewing notes originally issued for the purposes of acquiring real estate for wellfields for the water system in the City and all related improvements in the City, is a least five (5) years and that the maximum maturity of said bonds is thirty (30) years and the maximum maturity of notes is nineteen (19) years.

IN WITNESS WHEREOF, I have hereunto set my hand this 2<sup>nd</sup> day of September, 2021.

---

Treasurer

CITY OF TRENTON, OHIO

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$3,985,000 WATER SYSTEM IMPROVEMENT BOND ANTICIPATION NOTES, SERIES 2020, 2021 RENEWAL, BY THE CITY OF TRENTON, OHIO, IN ANTICIPATION OF THE ISSUANCE OF BONDS, AND DECLARING AN EMERGENCY.

WHEREAS, the City has previously issued bond anticipation notes which are outstanding in the amount of \$5,355,000, which are about to mature and which should be renewed in a reduced amount of \$3,985,000; and

WHEREAS, Chapter 133 of the Ohio Revised Code provides authority for this Council of the City of Trenton (the "Council") to issue its notes to finance the cost of acquiring real estate for wellfields for the water system in the City and all related improvements in the City; and

WHEREAS, the fiscal officer of the City has heretofore estimated that the life of the hereinafter described improvements is at least five (5) years, and certified that the maximum maturity of the bonds is thirty (30) years, and of the notes to be issued in anticipation thereof is nineteen (19) years; and

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Trenton (hereinafter called the "City"), County of Butler, Ohio:

SECTION 1. That it is hereby declared necessary to issue bonds of the City of Trenton, County of Butler, Ohio, in the principal amount of not to exceed \$3,985,000, bearing interest estimated at five per centum (5%) per annum and maturing over a period of thirty (30) years, for the purpose of acquiring real estate for wellfields for the City water system, and related costs.

SECTION 2. That it is hereby determined that notes (hereinafter called the "Notes") in the principal amount of not to exceed \$3,985,000 shall be issued in anticipation of the issuance of said bonds.

SECTION 3. That the Notes shall be dated their date of issuance, shall bear interest at the rate not to exceed four percent (4%) per annum, payable at maturity, shall mature not later than one year from the date of issuance, and shall be of the denomination or denominations as may be requested by the purchaser or purchasers thereof all as determined by the Treasurer or the City Manager without further action by this Council. The terms of such Notes shall be set forth in a certificate of award (the "Certificate of Award"), which is hereby authorized and which shall be executed by the City Manager or the Treasurer without further action by this council.

SECTION 4. In any case in which redemption of the Notes is permitted or required, notice of redemption will be mailed by the Paying Agent and Registrar to the owners of the



Notes or portions of Notes to be redeemed at the addresses shown in the registration records by regular mail at least 30 but not more than 60 days prior to the date of redemption, but in no event will such mailing be a condition precedent to redemption nor will failure to mail such notice affect the validity of the redemption proceedings.

SECTION 5. That the Notes shall be executed by the City Manager and shall bear the seal of the corporation. The Notes shall be designated "Water System Improvement Bond Anticipation Notes, Series 2020, 2021 Renewal" and shall be payable at the office of the Treasurer of the City or such bank or trust company as is requested by the purchaser and approved by the Treasurer or the City Manager, and shall express upon their face the purpose for which they are issued and that they are issued in pursuance of this Ordinance.

SECTION 6. The City Manager and Treasurer are hereby authorized to combine the Notes with two other issues of notes authorized under separate legislation purposes of (i) providing funds to construct sewer system improvements; (ii) building a new building for the public works department; (iii) making water system improvements in the City; (iv) acquiring equipment for the municipal police, fire and public works department (v) acquiring a new fire truck (vi) making improvements to the water system and (vii) acquiring and installing playground equipment. If so combined, such consolidated issue of bonds shall be known as "Various Purpose Bond Anticipation Notes, Series 2021" and shall be dated, mature, and bear interest, be executed, and be denominated in a manner consistent with the provisions of this ordinance relating to the bonds authorized therein. The proceeds from the sale of such consolidated issue shall be apportioned, deposited and credited in accordance with Section 132.32 of the Revised Code to the respective purposes and funds in accordance with the amount of notes authorized by this ordinance and the amount of notes authorized by the ordinances providing for the issuance of not to exceed \$1,369,000 Various Purpose Bond Anticipation Notes, 2021 Renewal; not to exceed \$250,000 Playground Equipment Bond Anticipation Notes.

SECTION 7. That the Notes shall be sold by the Treasurer at public or private sale at a price of not less than the par value of the Notes plus accrued interest, and the proceeds from such sale, except any premium or accrued interest hereon, shall be paid into the proper fund and used for the purpose aforesaid and for no other purpose.

The City Manager or the Treasurer is hereby directed to report to this Council as soon after the sale and award of such notes as is reasonably feasible, the interest rate for such notes.

SECTION 8. That the Notes shall be the full general obligations of the City, and the full faith, credit and revenue of the City are hereby pledged for the prompt payment of the same. The par value received from the sale of bonds anticipated by the Notes, and any excess fund resulting from the issue of the Notes, shall, to the extent necessary, be used only for the retirement of the Notes at maturity, together with interest thereon and is hereby pledged for such purpose.

SECTION 9. That during the period while the Notes run there shall be levied upon all of the taxable property in the City, within applicable limitations, in addition to all other taxes, a direct tax annually, not less than that which would have been levied if bonds had been issued without the prior issue of the Notes; said tax shall be and is hereby ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers in the same

manner and at the same time that taxes for general purposes for each of said years are certified, extended and collected. Said tax shall be placed before and in preference to all other items and for the full amount thereof.

The funds derived from said tax levy hereby required shall be placed in a separate and distinct fund and, together with interest collected on the same, shall be irrevocably pledged for the payment of the principal and interest of the Notes, or the bonds in anticipation of which they are issued, when and as the same fall due; provided, however, to the extent other City monies are available and appropriated for such purpose said tax shall not be levied therefor.

SECTION 10. That the firm of Dinsmore & Shohl LLP, is hereby engaged as the City's "bond counsel" pursuant to the engagement letter on file with the City.

SECTION 11. The City Manager or the Treasurer is hereby authorized to apply, if he deems it appropriate, for a rating on the Notes from either Standard & Poor's Corporation or Moody's Investors Service, and to pay the fee or premium for said rating to the extent authorized by law and approved by bond counsel.

SECTION 12. That if deemed necessary by the City's municipal advisor, this Council hereby authorizes and directs the Treasurer or the City Manager to take any and all actions which may be necessary to issue the notes in book-entry-only form or in such form as will render the notes eligible for the services of the Depository Trust Company, New York, New York without further action by this Council, including execution of all documents necessary therefore.

SECTION 13. All appropriate officers of the City are further authorized to make, execute, acknowledge and deliver such agreements, financing statements, closing certificates and other instruments or documents as are, in the opinion of bond counsel, necessary to carry out the purposes of this ordinance.

SECTION 14. That the Treasurer is hereby directed to forward a certified copy of this Ordinance to the County Auditor.

SECTION 15. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION 16. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety in the City for the reason that the immediate issuance of said Notes is required for the timely financing of the projects to which this financing relates including obtaining a favorable interest rate, and it shall take effect immediately upon its adoption.

PASSED \_\_\_\_\_  
AYES \_\_\_\_\_ NAYS \_\_\_\_\_  
ABSENT \_\_\_\_\_

Calvin G. Woodrey/s/ \_\_\_\_\_  
Mayor  
Rules Suspended \_\_\_\_\_

First Reading \_\_\_\_\_  
Second Reading \_\_\_\_\_  
Third Reading \_\_\_\_\_

AYES \_\_\_\_\_ NAYS \_\_\_\_\_  
ABSENT \_\_\_\_\_

ATTEST:

Laura Daley/s/ \_\_\_\_\_  
Clerk of Council

### **CERTIFICATE**

I, undersigned Clerk of Council of the City of Trenton, Ohio hereby certify that the above Ordinance is a true and correct copy as passed by the Council of the City of Trenton, this \_\_\_\_\_ day of October, 2021 and that at least a majority of the elected members voted in the affirmative on said motion.

\_\_\_\_\_  
Clerk of Council

CERTIFICATE

The undersigned hereby certifies that the foregoing is a true and correct copy of Ordinance No. \_\_\_\_\_.

\_\_\_\_\_  
Clerk of Council

CERTIFICATE

The undersigned hereby certifies that a copy of the foregoing ordinance was certified this day to the County Auditor.

\_\_\_\_\_  
Treasurer

Date: \_\_\_\_\_, 2021

RECEIPT

The undersigned hereby acknowledges receipt of a certified copy of the foregoing Ordinance.

\_\_\_\_\_  
County Auditor

Date: \_\_\_\_\_, 2021

EXTRACT FROM MINUTES OF MEETING

The Council of the City of Trenton, Ohio met in regular session at \_\_\_\_\_.m. on the \_\_\_\_th day of October, 2021 at its regular meeting place with the following members present:

There was present and read to Council Ordinance No. \_\_\_\_\_, entitled:

AN ORDINANCE PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$3,985,000 WATER SYSTEM IMPROVEMENT BOND ANTICIPATION NOTES, SERIES 2020, 2021 RENEWAL BY THE CITY OF TRENTON, OHIO, IN ANTICIPATION OF THE ISSUANCE OF BONDS, AND DECLARING AN EMERGENCY.

M\_. moved that Ordinance No. \_\_\_\_\_ be adopted. M\_. seconded the motion and the roll being called upon the question, the vote resulted as follows:

The Ordinance was declared adopted October, 2021

CERTIFICATE

The undersigned, Clerk of Council of said Municipality, hereby certifies that the foregoing is a true and correct extract from the minutes of a meeting of the Council of said Municipality, held on the \_\_\_\_ day of October, 2021, to the extent pertinent to consideration and adoption of the above entitled legislation.

\_\_\_\_\_  
Clerk of Council

## City Council Meeting Staff Report

Report to: The Honorable Mayor Calvin Woodrey & Members of the City Council

Report From: Michael E. Engel, Treasurer

Agenda Item: An Ordinance providing for the issuance of \$5,604,000 Various Purpose Combining BANs 2021 Renewal

<b>Ordinance/Resolution/Motion</b> <i>Ordinance</i>	1 <sup>st</sup> Reading Date: 9/2/2021	<b>Strategic Goals</b> Connected Community <b>Economic Vitality</b> <b>Operational Excellence</b> Strong & Secure Neighbor <b>General Operations</b>
	2 <sup>nd</sup> Reading Date: 9/16/2021	
	3 <sup>rd</sup> Reading Date: 10/7/2021	
	Motion Date: Resolution Date: Public Hearing Date:	
<b>Contract</b>	Contract Required: No	Additional Document(s) Attached:
<b>Fiscal Impact</b>	Budgeted: Yes	<i>Please see further, more detailed information regarding the fiscal impact in the summary section of this report.</i>
	Expenditure: \$5,604,000	
	Source Funds: Various	

### **Policy Issue**

Does City Council wish to adopt: Renewal of Ordinance to form Combining Ordinance for Various Purpose BANs, Series 2021.

### **Policy Alternative**

City Council can choose to not approve. Projects are already underway or completed. This renewal Ordinance combines multiple BAN ordinances for marketability and issuance advantages.

### **Staff Recommendation**

Staff recommends that Council receive this report and adopt the necessary Ordinance.

### **Statutory/Policy Authority**

- ORC and Ordinances of the City of Trenton.

### **Fiscal Impact Summary**

To provide for the combining of various purpose BANs dated November of 2021, in order to gain sale and pricing advantages.

### **Background Information**

This combining Ordinance combines the \$296,000 Equipment Acquisition BAN (radios and Police CAD), the \$450,000 Fire Truck Acquisition BAN, the \$243,000 Water System Improvement BAN (Wayne-Madison Road); the \$100,000 Sewer Main Extension BAN, the \$130,000 Public Works Building BAN, the \$150,000 Douglas Avenue Water Main Repair BAN, the \$250,000 Playground Equipment BAN, and the \$3,985,000 Water System BAN.



**Attached Information**

- No Attachment

Staff Report  
(DATE OF CITY COUNCIL MEETING)

### **CERTIFICATE OF MEMBERSHIP**

The undersigned, City Manager of the City of Trenton, County of Butler, Ohio, hereby certifies that the following were the officers and members of Council during the period when proceedings were taken authorizing the issuance of not to exceed \$5,604,000 Various Purpose Bond Anticipation Notes, Series 2021, dated the date of their issuance:

Mayor	<u>Calvin G. Woodrey</u>
Vice Mayor	<u>Ryan Perry</u>
City Manager	<u>Marcos Nichols</u>
Treasurer	<u>Michael E. Engel</u>
Member of Council	<u>Jennifer Harris</u>
Member of Council	<u>Jennifer J. Combs</u>
Member of Council	<u>Dale Perry</u>
Member of Council	<u>Cody Agee</u>
Member of Council	<u>Raymond L. Nichols</u>
Clerk of Council	<u>Laura Daley</u>
City Attorney	<u>Nicholas J. Ziepfel</u>

\_\_\_\_\_  
City Manager

### **TRANSCRIPT CERTIFICATE**

The undersigned, Clerk of Council of said Municipality, hereby certifies that the following is a true and complete transcript of all proceedings relating to the authorization and issuance of the above identified notes.

\_\_\_\_\_  
Clerk of Council



**CERTIFICATE AS TO MAXIMUM MATURITY OF  
BONDS AND BOND ANTICIPATION NOTES**

The undersigned, being the fiscal officer of the City of Trenton, Ohio, within the meaning of Section 133.01 of the Uniform Public Securities Law of the Ohio Revised Code, hereby certifies to the City Council that the estimated life of the improvements financed with the proceeds of the sale of not to exceed \$5,604,000 of bonds, for the purposes of (1) renewing notes originally issued for the purposes of (i) acquiring equipment for the municipal police, fire and public works departments, including radios and computer systems; (ii) making improvements to the municipal water system, including extension of water mains; (iii) acquiring a new fire truck for the fire department; (iv) providing funds to construct sewer system improvements; (v) building a new building for the public works department; and (vi) making water system improvements in the City; (2) acquiring and installing playground equipment; and (3) renewing notes originally issued for the purpose of acquiring real estate for wellfields for the City water system, is at least five (5) years and that the maximum maturity of said bonds, in accordance with Section 133.20 of the Uniform Public Securities Law of the Ohio Revised Code, is twenty-five (25) years, and the maximum maturity of notes issued in anticipation thereof is nineteen (19) years.

IN WITNESS WHEREOF, I have hereunto set my hand this 2<sup>nd</sup> day of September, 2021.

---

Treasurer

CITY OF TRENTON, OHIO

ORDINANCE NO. \_\_\_\_\_

ORDINANCE AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$5,604,000 OF VARIOUS PURPOSE BOND ANTICIPATION NOTES, BY THE CITY OF TRENTON, OHIO, IN ANTICIPATION OF THE ISSUANCE OF BONDS, AND DECLARING AN EMERGENCY.

WHEREAS, the City Council has previously adopted three separate ordinances which authorized note issues in the aggregate principal amount of \$5,604,000, for the purposes of (1) renewing notes originally issued for the purposes of (i) acquiring equipment for the municipal police, fire and public works departments, including radios and computer systems; (ii) making improvements to the municipal water system, including extension of water mains; (iii) acquiring a new fire truck for the fire department; (iv) providing funds to construct sewer system improvements; (v) building a new building for the public works department; and (vi) making water system improvements in the City; (2) acquiring and installing playground equipment; and (3) renewing notes originally issued for the purpose of acquiring real estate for wellfields for the City water system; and

WHEREAS, the City Council now desires to combine the separate note issuances into a single note issue to achieve certain cost savings; and

WHEREAS, the fiscal officer of the City has estimated the life or period of usefulness of the improvements as at least five (5) years, and certified the maximum maturity of the bonds to be issued to finance the same as twenty-five (25) years, and of notes issued in anticipation thereof as nineteen (19) years;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Trenton (hereinafter called the "City"), Butler County, Ohio:

SECTION 1. That it is hereby declared necessary to issue bonds of the City of Trenton, County of Butler, Ohio, in the principal amount of not to exceed \$5,604,000 bearing interest estimated at five per centum (5%) per annum and maturing over a period of not more than twenty-five (25) years, for the purposes of (1) permanently financing notes originally issued for the purposes of (i) acquiring equipment for the municipal police, fire and public works departments, including radios and computer systems (\$296,000); (ii) making improvements to the municipal water system, including extension of water mains (\$243,000); and (iii) acquiring a new fire truck for the fire department (\$450,000); (iv) providing funds to construct sewer system improvements (100,000); and (v) building a new building for the public works department (\$130,000); and (vi) making water system improvements in the City (\$150,000); (2) acquiring and installing playground equipment (\$250,000); and (3) renewing notes originally issued for the purpose of acquiring real estate for wellfields for the City water system (\$3,985,000);.

SECTION 2. That it is hereby determined that notes (hereinafter called the "Notes") in the principal amount of not to exceed \$5,604,000 shall be issued in anticipation of the issuance of said bonds.

SECTION 3. That the Notes shall be dated their date of issuance, shall bear interest at the rate not to exceed four percent (4%) per annum, payable at maturity, shall mature not later than one year from the date of issuance, and shall be of the denomination or denominations as may be requested by the purchaser or purchasers thereof all as determined by the Treasurer or the City Manager without further action by this Council, except that the denominations shall be \$100,000 or any integral multiple of \$1,000 in excess of \$100,000. The terms of such Notes, which shall be in compliance with Chapter 133 of the Ohio Revised Code, shall be set forth in a certificate of award (the "Certificate of Award"), which is hereby authorized and which shall be executed by the City Manager or the Treasurer without further action by this council.

SECTION 4. That the Notes shall be executed by the City Manager and may but shall not be required to bear the seal of the corporation. The Notes shall be designated "Various Purpose Bond Anticipation Notes, Series 2021," and shall be payable at the office of the Treasurer of the City or such bank or trust company as is designated by the Treasurer or City Manager and the purchaser, and shall express upon their face the purpose for which they are issued and that they are issued in pursuance of this Ordinance.

SECTION 5. The proceeds from the sale of such consolidated issue shall be apportioned and credited in accordance with Section 133.32 of the Revised Code to the respective purposes and funds in accordance with the amount of bonds authorized by this ordinance and the amount of bonds authorized by the ordinances providing for the issuance of not to exceed \$1,369,000 Various Purpose Bond Anticipation Notes, 2021 Renewal; not to exceed \$3,985,000 Water System Improvement Bond Anticipation Notes, 2021 Renewal; and not to exceed \$250,000 Playground Equipment Bond Anticipation Notes.

SECTION 6. That the Notes shall be sold at public or private sale at not less than the par value of such Notes together with interest thereon, if any. The proceeds from such sale, except accrued interest thereon, shall be paid into the proper funds and used for the purpose aforesaid and for no other purpose. Accrued interest, if any, received on sale of said Notes shall be transferred to the bond retirement fund to be applied to the payment of principal of and interest on said Notes in the manner provided by law.

Notwithstanding the above, the Council and the Treasurer are hereby directed to withhold delivery of the notes, and to refuse to accept payment therefor, unless and until the original purchaser delivers to the City a certificate acknowledging that the original purchaser will sell the notes to no more than 35 persons, each of whom the original purchaser reasonably believes (i) has such knowledge and experience in financial and business matters that it is capable of evaluating the merits and risks of the prospective investment and (ii) is not purchasing for more than one account or with a view to distributing the notes.

The City Manager or the Treasurer is hereby directed to report to this Council as soon after the sale and award of such notes as is reasonably feasible, the interest rate for such notes.

SECTION 7. That the Notes shall be the full general obligations of the City, and the full faith, credit and revenue of the City are hereby pledged for the prompt payment of the same.

SECTION 8. That during the period while the Notes run there shall be levied upon all of the taxable property in the City, within applicable limitations, in addition to all other taxes, a direct

tax annually, not less than that which would have been levied if bonds had been issued without the prior issue of the Notes; said tax shall be and is hereby ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers in the same manner and at the same time that taxes for general purposes for each of said years are certified, extended and collected. Said tax shall be placed before and in preference to all other items and for the full amount thereof.

The funds derived from said tax levy hereby required shall be placed in a separate and distinct fund and, together with interest collected on the same, shall be irrevocably pledged for the payment of the principal and interest of the Notes, or the notes in anticipation of which they are issued, when and as the same fall due; provided, however, to the extent other City revenues are available for such purpose said tax shall not be levied therefor.

SECTION 9. That this Council, for and on behalf of the City, hereby covenants that it will restrict the use of the Notes hereby authorized in such manner and to such extent, if any, and take such other action as may be necessary, after taking into account reasonable expectations at the time the debt is incurred, so that they will not constitute obligations the interest on which is subject to federal income taxation or "arbitrage bonds" under Sections 103(b)(2) and 148 of the Internal Revenue Code of 1986, as amended (the "Code") and the regulations prescribed thereunder. The Treasurer or any other officer having responsibility with respect to the issuance of said Notes is authorized and directed to give an appropriate certificate on behalf of the City, on the date of delivery of said Notes for inclusion in the transcript of proceedings, setting forth the facts, estimates and circumstances and reasonable expectations pertaining to the use of the proceeds thereof and the provisions of said Sections 103(b)(2) and 148 and regulations thereunder.

These Notes are hereby designated "tax-exempt obligations" for the purposes set forth in Section 265(b)(3) of the Code. The City does not anticipate issuing more than \$10,000,000 of "qualified tax-exempt obligations" during the current calendar year.

SECTION 10. That if required by the City's municipal advisor, this Council hereby authorizes and directs the Treasurer or the City Manager to take any and all actions which may be necessary to issue the notes in book-entry-only form or in such form as will render the notes eligible for the services of the Depository Trust Company, New York, New York without further action by this Council, including execution of all documents necessary therefore.

SECTION 11. All appropriate officers of the City are further authorized to make, execute, acknowledge and deliver such agreements, financing statements, closing certificates and other instruments or documents as are, in the opinion of bond counsel, necessary to carry out the purposes of this ordinance.

SECTION 12. That the firm of Dinsmore & Shohl LLP, is hereby engaged as the City's "bond counsel" pursuant to the engagement letter on file with the City.

SECTION 13. The City Manager or the Treasurer is hereby authorized to apply, if he deems it appropriate, for a rating on the Notes from either Standard & Poor's Corporation or Moody's Investors Service, and to pay the fee or premium for said rating to the extent authorized by law and approved by bond counsel.

SECTION 14. That the Treasurer is hereby directed to forward a certified copy of this Ordinance to the County Auditor.

SECTION 15. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements.

SECTION 16. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety in the City for the reason that the immediate issuance of said Notes is required for the timely refinancing of the projects to which this financing relates including obtaining a favorable interest rate, and it shall take effect immediately upon its adoption.

PASSED _____	Calvin G. Woodrey/s/ _____
AYES _____ NAYS _____	Mayor _____
ABSENT _____	Rules Suspended _____
First Reading _____	AYES _____ NAYS _____
Second Reading _____	ABSENT _____
Third Reading _____	

ATTEST:

Laura Daley/s/ \_\_\_\_\_  
Clerk of Council

### CERTIFICATE

I, undersigned Clerk of Council of the City of Trenton, Ohio hereby certify that the above Ordinance is a true and correct copy as passed by the Council of the City of Trenton, this 7<sup>th</sup> day of October, 2021 and that at least a majority of the elected members voted in the affirmative on said motion.

\_\_\_\_\_  
Clerk of Council

CERTIFICATE

The undersigned hereby certifies that the foregoing is a true and correct copy of Ordinance  
No. \_\_\_\_\_.

\_\_\_\_\_  
Clerk of Council

CERTIFICATE

The undersigned hereby certifies that a copy of the foregoing ordinance was certified  
this day to the Butler County Auditor.

\_\_\_\_\_  
Treasurer

RECEIPT

The undersigned hereby acknowledges receipt of a certified copy of the foregoing  
ordinance.

\_\_\_\_\_  
Butler County Auditor

Dated: \_\_\_\_\_

EXTRACT FROM MINUTES OF MEETING

The Council of the City of Trenton, County of Butler, Ohio, met in \_\_\_\_\_ session, at \_\_\_\_\_.m., on the 7<sup>th</sup> day of October, 2021, at \_\_\_\_\_, with the following members present:

There was presented and read to Council Ordinance No. \_\_\_\_\_, entitled:

ORDINANCE AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$5,604,000 OF VARIOUS PURPOSE BOND ANTICIPATION NOTES, BY THE CITY OF TRENTON, OHIO, IN ANTICIPATION OF THE ISSUANCE OF BONDS, AND DECLARING AN EMERGENCY.

M \_\_\_\_\_ moved to suspend the rule requiring each ordinance or resolution to be read on three different days. M \_\_\_\_\_ seconded the motion and, the roll being called upon the question, the vote resulted as follows:

M \_\_\_\_\_ then moved that Ordinance

No. \_\_\_\_ be adopted. M \_\_\_\_\_ seconded the motion and, the roll being called upon the question, the vote resulted as follows:

The ordinance was declared adopted October 7, 2021.

CERTIFICATE

The undersigned, Clerk of Council of said municipality, hereby certifies that the foregoing is a true and correct extract from the minutes of a meeting of the council of said municipality, held on the 7<sup>th</sup> day of October, 2021, to the extent pertinent to consideration and adoption of the above-entitled obligation.

\_\_\_\_\_  
Clerk of Council



## City Council Meeting Staff Report

Report to: The Honorable Mayor Calvin Woodrey & Members of the City Council

Report From: Michael E. Engel, Treasurer

Agenda Item: Tax Rates and Amounts from Butler County Budget Commission

<b>Ordinance/Resolution/Motion</b> <i>Resolution</i>	1 <sup>st</sup> Reading Date:	<b>STRATEGIC GOALS</b> Connected Community <b>Economic Vitality</b> Operational Excellence Strong & Secure Neigh. <b>General Operations</b>
	2 <sup>nd</sup> Reading Date:	
	3 <sup>rd</sup> Reading Date:	
	Motion Date:	
	Resolution Date: September 2nd	
<b>Contract</b>	Public Hearing Date:	Additional Document(s) Attached:
	Contract Required: No	
<b>Fiscal Impact</b>	Budgeted: Yes	<i>Please see further, more detailed information regarding the fiscal impact in the summary section of this report.</i>
	Expenditure: \$ N/A	
	Source Funds: General, Fire,	
	Police	

### Policy Issue

Does City Council wish to adopt? The tax rates are required to be approved by City Council annually, on or before October 1st.

### Policy Alternative

City Council can choose to not approve. That might result in an audit citation.

### Staff Recommendation

Staff recommends that Council receive this report and adopt the necessary resolution.

### Statutory/Policy Authority

#### ORC and Ordinances of the City of Trenton

### Fiscal Impact Summary

These are budgeted revenues from tax levies.

### Background Information

The 3.24 mill levy is all General Fund and all inside millage-non voted. The 4.5 mill levy is the voted Fire Levy, and the 5.25 mill levy is the voted Police Levy, both outside millage.

### Attached Information

- ATTACHED SCHEDULE A AMOUNTS AND RATES





11 East State Street, Trenton, OH 45067-1439  
phone 513.988.6304 | fax 513.988.0855  
[www.ci.trenton.oh.us](http://www.ci.trenton.oh.us)

## MEMORANDUM CITY OF TRENTON

TO: Mayor Calvin Woodrey  
City Council  
COPY: Marcos Nichols, City Manager  
FROM: Michael E. Engel, Treasurer  
DATE: September 2, 2021

**SUBJECT: *Tax Rates from Butler County Budget Commission***

Mayor and Members of Council:

The Tax Rates from the Butler County Budget Commission were recently received. Those rates are required to be approved by City Council by October 1<sup>st</sup>, or as soon thereafter as is feasible. We would like to place this item on the Council Agenda for the September 2nd meeting for reading and adoption. This report will provide some explanation of the Tax Rates, and how those may impact the City of Trenton.

By way of explanation, the 3.24 mill rate is all General Fund and all inside millage, which means that it was not voted upon. The 3.24 mill rate was established by State of Ohio House Bill 920, in 1976. At that time the State Legislature formulated ratios to determine how much of the inside millage each political subdivision in the State would receive. If the entire 10 mill inside limit is not allocated, the Budget Commission may be asked to allocate the remainder.

*The Rates of Taxation in Butler County*, as published by the Butler County Treasurer, show that a 3.24 mill rate still applies to the portion of Trenton within the Edgewood City School District, and that accounts for the lion's share of the tax base allocated to Trenton. The portion of Trenton within the Madison Local School District is subject to a 1.26 mill rate, and accounts for only a very small portion of the tax base. It happened that Madison Township had a permanent improvement levy at the time of the 1976 allocation that captured a larger portion of the millage ratio.

Inside millage is different than outside millage. A voted Police, Dispatch, Fire, or Street Levy would be outside millage. Those types of voted outside levies would not be impacted by the inside millage rates. For instance, the 4.5 mill Fire/EMS levy is at that same 4.5 mill rate throughout the City of Trenton, regardless of the school district.

The millage may be put into perspective by associating it with the aggregate collections City wide, then expressing its impact to an individual property owner. The numbers from the Butler County Budget Commission show a 3.24 mill rate equating to \$720,000 tax for 2022, an increase

of \$90,000 from 2021 projections; the 4.5 mill Fire Levy equates to \$800,000, a \$10,000 increase from 2021 projections; and the 5.25 mill Police Levy equates to \$920,000, the same as the 2021 projections.

As previously mentioned, the Ohio Constitution allows for the 10 mill inside millage- the effective rate which does not change. In Trenton's case that is the aforementioned 3.24 mills. This millage rate is protected from what is called the **reduction factor**.

The reduction factor is determined by the State of Ohio and is designed to protect taxpayers from overpaying a levy while protecting entities so that they receive the amount of funds from their levies that they expect. It provides consistency to the collection process. The millage rate can ratchet up or down so people don't overpay from a revaluation circumstance, for instance. New construction is included in the calculation the first year, then is absorbed into the reduction rate thereafter. In other words, with the reduction factor, the outside millage rate of a levy is flexible, while the dollar amount is steady. This explains the large gain in tax for the inside millage this next year, while the outside millage levies show little change.

The **City's Budget** estimate for 2021, based in part on the Butler County Auditor estimate and also factoring in historical collections, was set at \$565,000 for the General Fund, \$730,000 for the Fire Fund, and \$860,000 for the Police Fund. The actual collected for 2021 is not yet determined, pending the 2<sup>nd</sup> half settlement. The amount budgeted for 2022 in the **Tax Budget** was \$575,000 for the General Fund, \$725,000 for the Fire Fund, and \$840,000 for the Police Fund.

To explain that impact on a personal level, one mill equates to \$1 on \$1,000 of real property value. The existing 3.24 mill rate equates to \$421 on \$130,000 real property value (which has been used recently as the median residential property sales price in Trenton). However, that is prior to taking into account the 35% valuation percentage used to compute taxable value, which would reduce that \$421 to **\$147.42**.

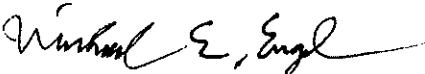
Using the same methodology for the Fire Levy, the true tax on a \$130,000 home at 4.5 mills is \$585, times 35%, or **\$204.75**. Additionally, for the Police Levy, the true tax on a \$130,000 home at 5.25 mills is \$682.50, times 35%, or **\$238.88**.

**Please note the State of Ohio passed legislation a few years ago which has reduced the Rollback credit on added levies going forward. That means the taxpayers will pay more and the State of Ohio will pay less back to the subdivisions through the Rollback credit.**

In summary, the City's share of the County inside millage real estate property tax levied for 2021 (collected in 2022) is estimated by the Butler County Auditor to be a total of \$720,000 for the General Fund inside millage of 3.24; \$800,000 for the Fire Fund outside voted millage of 4.5; and \$920,000 for the Police Fund outside voted millage of 5.25.

Please contact me with any questions or if you would like additional information.

Respectfully submitted,

  
Michael E. Engel  
Treasurer

**RESOLUTION NO. XX-2021**

**A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY  
THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX  
LEVIES AND CERTIFYING THEM TO THE BUTLER COUNTY AUDITOR  
AND DECLARING AN EMERGENCY**

WHEREAS, the Council, in accordance with the provisions of law, has previously adopted a Tax Budget for the next succeeding fiscal year commencing January 1, 2022; and

WHEREAS, the Budget Commission of Butler County, Ohio has certified its action thereon to this Council together with an estimate by the County Auditor of the rate of each tax necessary to be levied by this Council, and what part thereof is without, and what part within each ten mill tax limitation;

**NOW, THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TRENTON,  
BUTLER COUNTY, OHIO:**

- Section 1. That the amounts and rates, as determined by the Budget Commission in its certification, be and the same are hereby accepted; and
- Section 2. That there be and is hereby levied on the tax duplicate of said City the rate of each tax necessary to be levied within and without the ten mill limitation as follows on the attached Schedules A and B adopted by reference and incorporated herein; and
- Section 3. That the Clerk of this Council is hereby directed to certify a copy of this Resolution to the County Auditor of said County; and
- Section 4. This Resolution is for the purpose of preserving and protecting the health, safety and welfare of the citizens of Trenton. This resolution is therefore declared to be an emergency measure and shall be in full force and effective immediately upon its adoption.

Passed \_\_\_\_\_  
AYES \_\_\_\_\_ NAYS \_\_\_\_\_  
ABSENT \_\_\_\_\_

Calvin Woodrey/s/ \_\_\_\_\_  
Mayor

First Reading \_\_\_\_\_  
Second Reading \_\_\_\_\_  
Third Reading \_\_\_\_\_

Rules Suspended \_\_\_\_\_  
AYES \_\_\_\_\_ NAYS \_\_\_\_\_  
ABSENT \_\_\_\_\_

ATTEST:

Laura M. Daley/s/ \_\_\_\_\_  
Clerk of Council

**CERTIFICATION**

I, the undersigned Clerk of Council of the City of Trenton, Ohio hereby certify that the above Resolution is a true and correct copy as passed by the Council of the City of Trenton, on this \_\_\_\_\_ day of \_\_\_\_\_, 2021 and that at least a majority of the elected members voted in the affirmative on said motion.

\_\_\_\_\_  
Clerk of Council

RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE  
BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES  
AND CERTIFYING THEM TO THE COUNTY AUDITOR

(City Council)

Rev. Code, Secs. 5705.34, 5705.35

The Council of the **CITY OF TRENTON**, Butler County, Ohio, met in \_\_\_\_\_  
(regular or special)

session on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at the office of \_\_\_\_\_

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\_\_\_\_\_ moved the adoption of the following Resolution:

WHEREAS, This Council in accordance with the provisions of law has previously adopted a Tax  
Budget for the next succeeding fiscal year commencing January 1st, 2021; and

WHEREAS, the Budget Commission of Butler County, Ohio has certified its action thereon to this  
Council together with an estimate by the County Auditor of the rate of each tax necessary to be  
levied by this Council, and what part thereof is without, and what part within the ten mill tax  
limitation; therefore be it

RESOLVED, By the Council of the **CITY OF TRENTON**, Butler County, Ohio, that the amounts  
and rates, as determined by the Budget Commission in its certification, be and the same are hereby  
accepted; and be it further

RESOLVED, That there be and is hereby levied on the tax duplicate of said City the rate of  
each tax necessary to be levied within and without the ten mill limitation as follows:

SUMMARY OF AMOUNTS REQUIRED FROM GENERAL PROPERTY TAX APPROVED BY BUDGET COMMISSION, AND COUNTY AUDITOR'S ESTIMATED TAX RATES

FUND	AMOUNT APPROVED BY BUDGET COMMISSION INSIDE 10 MILL LIMITATION	AMOUNT TO BE DERIVED FROM LEVIES OUTSIDE 10 MILL LIMITATION	COUNTY AUDITOR'S ESTIMATE OF TAX RATE TO BE LEVIED	
			INSIDE 10 MILL LIMIT	OUTSIDE 10 MILL LIMIT
GENERAL FUND	720,000.00		3.24	
GENERAL BOND RETIREMENT FUND				
PARK FUND				
RECREATION FUND				
FIRE FUND		800,000.00		4.50
POLICE FUND		920,000.00		5.25
TOTAL	720,000.00	1,720,000.00	3.24	9.75

=====

SCHEDULE B

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LEVIES OUTSIDE 10 MILL LIMITATION, EXCLUSIVE OF DEBT LEVIES

=====

FUND	COUNTY AUDITOR'S ESTIMATE OF YIELD OF LEVY (Carry to Schedule A)	MAXIMUM RATE AUTHORIZED TO BE LEVIED
=====		
GENERAL FUND:		
Current expense levy authorized by voters on ,20 not to exceed years.		
Current expense levy authorized by voters on ,20 not to exceed years.		
Current expense levy authorized by voters on ,20 not to exceed years.		
Current expense levy authorized by voters on ,20 not to exceed years.		
TOTAL GENERAL FUND OUTSIDE 10 MILL LIMITATION	0.00	0.00
=====		
SPECIAL LEVY FUNDS:		
Levy authorized by voters on 11/08/ ,2012 (FIRE) not to exceed 5 years. 99-2003 RED	800,000.00	4.50
Levy authorized by voters on, 3/15/2016 not to exceed CONT years. (POLICE)	920,000.00	5.25
Levy authorized by voters on ,20 not to exceed years.		
Levy authorized by voters on ,20 not to exceed years.		
Levy authorized by voters on ,20 not to exceed years.		
Levy authorized by voters on ,20 not to exceed years.		
Levy authorized by voters on ,20 not to exceed years.		
Levy authorized by voters on ,20 not to exceed years.		
Levy authorized by voters on ,20 not to exceed years.		
Levy authorized by voters on ,20 not to exceed years.		
Levy authorized by voters on ,20 not to exceed years.		
=====		

and be it further

RESOLVED, That the Clerk of this Council be, and he/she is hereby directed to certify a copy of this Resolution to the County Auditor of said County.

\_\_\_\_\_ seconded the Resolution and the roll being called upon its adoption the vote resulted as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Adopted the \_\_\_\_\_ day of \_\_\_\_\_, 200 \_\_\_\_\_.

\_\_\_\_\_  
PRESIDENT OF COUNCIL

\_\_\_\_\_  
CLERK OF COUNCIL



=====

CERTIFICATE OF COPY

ORIGINAL ON FILE

\_\_\_\_\_

The State of Ohio, Butler County, ss.

I, \_\_\_\_\_, Clerk of the Council of the City of \_\_\_\_\_, within  
and for said County, and in whose custody the Files and Records of said Council are required by the  
Laws of the State of Ohio to be kept, do hereby certify that the foregoing is taken and copied from  
the original \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

now on file, that the foregoing has been compared by me with said original document, and that the  
same is a true and correct copy thereof.

WITNESS my signature, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

\_\_\_\_\_  
CLERK OF COUNCIL  
\_\_\_\_\_

NOTE: A copy of this Resolution must be certified to the County Auditor before the first day of  
October in each year, or at such later date as may be approved by the Board of Tax Appeals.

=====

RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET  
COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE  
COUNTY AUDITOR. (CITY COUNCIL)

ADOPTED \_\_\_\_\_, 20\_\_\_\_\_

FILED \_\_\_\_\_

\_\_\_\_\_  
CLERK OF COUNCIL

\_\_\_\_\_  
COUNTY AUDITOR

\_\_\_\_\_  
DEPUTY AUDITOR

=====



## City Council Meeting Staff Report

Report to: The Honorable Mayor Calvin Woodrey & Members of the City Council

Report From: Michael E. Engel, Treasurer

Agenda Item: Advance of taxes from the Butler County Auditor

<b>Ordinance/Resolution/Motion</b> <i>Resolution</i>	1 <sup>st</sup> Reading Date: 9/2/2021	<b>Strategic Goals</b> Connected Community <b>Economic Vitality</b> Operation Excellence Neighborhood <b>General Operations</b>
	2 <sup>nd</sup> Reading Date: 9/16/2021	
	3 <sup>rd</sup> Reading Date: 10/7/2021	
	Motion Date:	
<b>Contract</b>	Resolution Date: Final reading on 10/7/2021	Additional Document(s) Attached:
	Public Hearing Date:	
<b>Fiscal Impact</b>	Budgeted: NA	<i>Please see further, more detailed information regarding the fiscal impact in the summary section of this report.</i>
	Expenditure: NA	
	Source Funds: NA	

### Policy Issue

Does City Council wish to adopt?: Advance of taxes allows the City to have use of those funds prior to the final settlements.

### Policy Alternative

City Council can choose to not approve: It would be advantageous for the City of have use of these funds.

### Staff Recommendation

Staff recommends that Council receive this report and adopt the necessary legislation.

### Statutory/Policy Authority

- **ORC and Ordinances of the City of Trenton**

### Fiscal Impact Summary

Interest earnings of several hundred dollars, and use of funds if needed for liquidity purposes.

### Background Information

This is an annual exercise which allows the City to be paid some of the real estate tax settlement in advance of the final settlement.

### Attached Information

NA

**RESOLUTION NO. ---- 2021**

**A RESOLUTION REQUESTING THE BUTLER COUNTY AUDITOR TO ADVANCE TO THE TREASURER OF THE CITY OF TRENTON, OHIO, TAXES ASSESSED AND COLLECTED FOR AND ON BEHALF OF THE CITY OF TRENTON, OHIO AND DECLARING AN EMERGENCY.**

**WHEREAS**, Ohio Revised Code Section 321.34 provides that the Council of an Ohio municipal corporation may request from the appropriate County Auditor advance payment of tax funds assessed and collected for and on behalf of such municipal corporation; and

**WHEREAS**, the aforesaid statute requires that such request be made by a formal resolution and that such advance payment of tax funds be paid to the Treasurer of the municipal corporation;

**NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TRENTON, STATE OF OHIO THAT:**

**Section 1:** Pursuant to Ohio Revised Code Section 321.34, the Council of the City of Trenton, Ohio hereby request that the Butler County Auditor advance to the Treasurer of the City of Trenton, Ohio taxes assessed in 2021 for and on behalf of the City of Trenton and collected in 2022.

**Section 2:** This resolution is in the best interest of the public health, safety and general welfare and is therefore declared to be an emergency measure and shall be in full force and effect immediately upon its adoption.

Passed \_\_\_\_\_  
AYES \_\_\_\_\_ NAYS \_\_\_\_\_  
ABSENT \_\_\_\_\_  
First Reading \_\_\_\_\_  
Second Reading \_\_\_\_\_  
Third Reading \_\_\_\_\_

Calvin Woodrey/s/ \_\_\_\_\_  
Mayor  
Rules Suspended:  
AYES \_\_\_\_\_ NAYS \_\_\_\_\_  
ABSENT \_\_\_\_\_

ATTEST:

Laura Daley/s/ \_\_\_\_\_  
Clerk of Council

**CERTIFICATION**

I, the undersigned Clerk of Council of the City of Trenton, Ohio hereby certify that the above Resolution is a true and correct copy as passed by the Council of the City of Trenton, this \_\_\_\_\_ day of \_\_\_\_\_ 2021 and that at least a majority of the elected members voted in the affirmative on said motion.

\_\_\_\_\_  
Clerk of Council

## City Council Meeting Staff Report

Report to: The Honorable Mayor Calvin Woodrey & Members of the City Council  
 Report From: Bill Jones-Planning and Zoning  
 Agenda Item: Ordinances amending sections 1268.02, 1268.03, 1268.04, 1268.06, 1268.07, 1268.12 and 1268.24 pertaining to Chapter 1268 Planned Unit Development Districts and Regulations.

<b>Ordinance/Resolution/Motion</b> <i>Ordinance</i>	1 <sup>st</sup> Reading Date: Sept 2, 2021 2 <sup>nd</sup> Reading Date: Sept 16, 2021 3 <sup>rd</sup> Reading Date: Oct 7, 2021 Motion Date: Resolution Date: Public Hearing Date: Oct 7, 2021	<b>Strategic Goals</b> Connected Community Economic Vitality Operational Excellence Strong & Secure Neighborhoods General Operations
<b>Contract</b>	Contract Required:	Additional Document(s) Attached:
<b>Fiscal Impact</b>	Budgeted: No	<i>Ordinance</i>
	Expenditure: none	
	Source Funds: na	

### **Policy Issue**

After reviewing Chapter 1268 of the zoning code pertaining to Planned Unit Developments, Staff and Nick Ziepfel felt a few changes were in order to update this section of code.

### **Policy Alternative**

None. This particular code has some confusing language and may need additional amendments.

### **Staff Recommendation**

Staff recommends that these ordinances be passed.

### **Statutory/Policy Authority**

- Article III, Legislative Action, of the Charter of the City of Trenton.

### **Fiscal Impact Summary**

There will be no fiscal impact to the City.

### **Background Information**

See Policy Issue above.

### **Attached Information**

- Red Line review notes.
- Proposed City Ordinances for sections 1268.02, 1268.03, 1268.04, 1268.06, 1268.07, 1268.12 and 1268.24.

Chapter 1268  
Planned unit Development Districts and Regulations  
Red Line Review Notes  
Bill Jones

**1268.02 PERMITTED USES; CATEGORIES OF PUDS.**

An application for PUD zoning shall specify the land use category being requested. An application may specify areas proposed to be developed under different PUD categories or under combinations of PUD categories and conventional zoning. Once PUD zoning is approved, land uses are limited by two factors: (1) the PUD category for which application was made; and (2) the authority and discretion of the Planning Commission, in its approval of the general plan as approved by Council and/or final development plan, to determine which of the allowable uses in the category may be permitted, in what combination, intensity and location, and under what conditions. PUDs may be applied for under any of the following land use categories:

- (a) Planned Unit Development–Residential (PUD-R) may allow any permitted use in any Residential Zoning District;
  - (b) Planned Unit Development–Office (PUD-O) may allow any permitted use in any Office Zoning District;
  - (c) Planned Unit Development–Commercial (PUD-C) may allow any permitted use in any Commercial Zoning District;
  - (d) Planned Unit Development–Industrial (PUD-I) may allow any permitted use in any Manufacturing Zoning District; and
  - (e) Planned Unit Development–Mixed Use (PUD-MU) may allow any combination of any permitted uses in any commercial, manufacturing, office, or residential zoning district.
- (Ord. 16-2003. Passed 5-1-03.)

**1268.03 AREA, DENSITY AND LOT REGULATIONS.**

(a) Minimum Area for Development. A PUD shall contain a minimum of 4-~~5~~ acres. All land within the development shall be contiguous in that it shall not be divided into segments by a tract of land not owned by the landowner of the PUD, a limited access highway, a collector street, a minor arterial street, or a principle arterial street. ~~or by a tract of land, other than Only public or private Cul-de-sac streets and local streets containing~~ or rights-of-way for public or private utility transmission lines utilities are permitted within a PUD unless otherwise approved by the Planning Commission. ~~not owned by the landowner of the PUD.~~

**1268.04 INTERIOR STREETS.**

(a) Interior streets shall be constructed according to City structural specifications, as delineated in the Subdivision Regulations, and properly lighted and maintained to conform with City ordinances. Their minimum paved roadway widths shall ordinarily be as delineated in the Subdivision Regulations and in the Thoroughfare Plan. However, approval of interior access streets with different nonstructural dimensions will be considered by the Planning Commission and Council where the developer can demonstrate substantial compliance with the Subdivision Regulations and Thoroughfare Plan and receive approval from the City Engineer. Approval of the PUD with such differences will constitute lawful approval of a waiver of the Subdivision Regulations and Thoroughfare Plan. Where streets are constructed pursuant to such a waiver, such streets shall be privately owned and maintained, and shall be constructed entirely within a public access easement unless otherwise approved by Planning Commission. All public access easements shall be designated on the general plan, the final development plan, and the record plan for each section of the development.

#### **1268.06 OFF-STREET PARKING.**

(a.) There shall be provided outside the public or private right-of-way the minimum number of parking spaces required in Chapter 1262 of this Zoning Code. Where appropriate, common driveways, parking areas, walks and steps shall be provided, maintained and lighted for night use. Screening of parking or service areas may be required through ample use of trees, shrubs, hedges and screening devices.

(b.) All **non-residential** parking spaces and service drives shall be improved with bituminous, concrete or equivalent surfacing **as approved by Staff and the City Engineer.**

(c.) All **residential parking spaces shall be improved with concrete or equivalent surfacing as approved by Staff and the City Engineer** and so graded and drained to properly collect all surface water accumulation within the area. All paved areas in PUD districts shall be curbed to City street specifications unless waived by the Planning Commission for good cause.

#### **1268.07 COMMON OPEN SPACE.**

(a) Amount and Character.

(1) For PUD-R. A minimum of 25% of the total acreage, **unless waived or amended by the Planning Commission for good cause,** in a proposed development permitted by this chapter shall be dedicated to public and/or private open space or recreation facilities available to all occupants of the PUD. This open space shall not include dwellings, streets, parking areas, or residential lots. Such open space shall be clearly shown on the general plan and shall be physically situated so as to be readily accessible, available to and usable by all residents of the PUD. Water retention and detention areas may be included in common open space if attractively developed.

#### **1268.12 EROSION AND SEDIMENTATION CONTROL.**

Effective erosion and sedimentation controls shall be planned and applied according to the following principles:

~~—(a)— The smallest practical area of land should be exposed at anyone time during development.~~

~~—(b)— When land is exposed during development, the exposure should be kept to the shortest practical period of time.~~

~~—(c)— Temporary vegetation and/or mulching shall be used to protect critical areas exposed during development.~~

~~—(d)— Sediment basins (debris basins or silt traps) shall be installed and maintained to remove sediment from runoff waters from land undergoing development.~~

~~—(e)— Provisions shall be made to accommodate the increased runoff caused by changed soil and surface conditions during and after development.~~

~~—(f)— Permanent final vegetation and structures shall be installed as soon as practical in the development.~~

~~—(g)— The development shall be fitted to the topography and soils so as to create the least erosion potential.~~

~~—(h)— Wherever feasible, natural vegetation should be retained and protected. Development of the PUD must conform to the any City tree ordinance that may be in effect at the time the general plan is submitted.~~

~~(Ord. 16-2003, Passed 5-1-03.)~~ **the requirements per section 1212.05 SOIL AND WATER MANAGEMENT STANDARDS of the City code.**

#### **1268.21 FINAL DEVELOPMENT PLAN APPROVAL.**

The Planning Commission shall approve, modify and approve, or deny an application for approval of a final development plan within a reasonable time after the date of such application. Upon approval of the final development plan by the Commission, the Commission shall:

(a) Furnish the developer with written notice of approval;

(b) Authorize the issuance of a zoning certificate for each structure indicated in the approved final development plan; and

(c) See to it that the final development plan is recorded. The recorded final development plan shall incorporate the approved general plan by reference. Approval of a final development plan does not obligate the City Council to approve the record plan. Planning Commission approval of a final development plan is a necessary precondition to consideration and approval of a record plan.

(Ord. 16-2003. Passed 5-1-03.) AND ↓

#### **1268.22 PUD APPLICATION STEP 3: RECORD PLAN.**

(a) Within 6 months of approval of the final development plan for any specific area within the project or for the overall project, a record plan for the area shown on the final development plan shall be submitted in accordance with Chapter 1214 of the Subdivision Regulations.

(b) Documents. At the time record plans are filed with the Planning Commission, the developer shall also file:

- (1) Cost estimates for all public improvements in the subdivision plan; and
- (2) Other documents and assurances required by the Subdivision Regulations.

(c) Final Approval by Planning Commission. Within 60 days after the record plan is filed, with all necessary documents and exhibits, the Commission shall approve, approve and modify or disapprove the record plan and forward its recommendation to City Council.

(d) Final Approval by Council. Within 90 days after approval by the Commission of the record plan, Council shall approve, modify and approve, or disapprove it.

(e) Recording. Upon Council approval of the record plan, the Commission shall notify the applicant. Upon payment of the required fee by the applicant and compliance with all subdivision regulations, the developer shall within 10 days thereafter file the record plan with the Butler County Recorder. The developer shall record the approved final development plan simultaneously with the record plan.

(Ord. 16-2003. Passed 5-1-03.)

#### **1268.24 REVISION OF APPROVED FINAL DEVELOPMENT PLAN.**

~~The record plan shall conform to the approved final development plan. The applicant and his or her successors and assigns shall make no alterations, addition or deletions to the approved final development plan or to the related documents. Major changes may not be made unless and until a revised final development plan is processed and approved in accordance with this chapter. If a major change materially alters any feature of the project for which a submittal was required for general plan approval, revision of the general plan and review by the City Council shall be required. Minor changes may be approved by the Planning Commission City staff without submission of a revised final development plan.~~

~~(Ord. 16-2003. Passed 5-1-03.)~~

#### **Final development plans may be amended as follows:**

##### **(a.) Major Changes.**

**Changes that alter the intent of the final development plan, including increases or decreases in area, increases in density, changes in the location or amount of non-residential land use, reductions of proposed open space, significant redesign of roadways, drainage, and housing type and distribution, shall be reviewed by the Planning Commission for approval as stated in section 1268.21 of this chapter.**

##### **(b.) Moderate Changes.**

**The Planning and Zoning Administrator, after consultation with the Staff and/or the City Engineer, may**

authorize structural dimensional changes such as lot lines provided that they do not increase density, changes in building heights by not more than ten (10) feet, and changes in building setbacks by not more than fifteen (15) feet, provided the perimeter setbacks, yards and buffers remain in compliance. Moderate changes do not require a Public Hearing or Planning Commission review and approval.

(c.) Minor Changes.

The Planning and Zoning Administrator, after consultation with the Staff and/or the City Engineer, may authorize minor adjustments in the final development plan that become necessary because of field conditions, detailed engineering data, topography or critical design criteria. The Planning and Zoning Administrator, after consultation with staff and/or the City Engineer, may approve these minor adjustments to revise size and location of drainage ways, sewers, roadways, retaining walls or similar features and to substitute landscape materials in light of technical or engineering considerations.

Minor changes do not require a Public Hearing or Planning Commission review and approval.

(d.) Nothing in this section shall preclude any property owner to carry out routine maintenance and repair of facilities located within an approved final development plan, provided that such maintenance and repair do not violate the approved final development plan.



ORDINANCE NO. \_\_\_\_\_ -2021

**AN ORDINANCE AMENDING SECTION 1268.02 PERMITTED USES;  
CATEGORIES OF PUDS OF THE CODIFIED ORDINANCES OF THE CITY OF  
TRENTON, OHIO.**

**WHEREAS**, it is the desire of City Administration to amend the codified ordinances as it relates to PUD regulations within the City of Trenton; and

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TRENTON, OHIO:**

**SECTION 1:** That Section 1268.02 of the Code of Ordinances of the City of Trenton, Ohio is hereby deleted in its entirety and replaced with that set forth on Exhibit A, attached hereto and made a part hereof.

**SECTION 2:** That this Ordinance shall take effect and be in full force from and after the earliest period allowed by law.

PASSED: \_\_\_\_\_

Effective Date: \_\_\_\_\_ Calvin Woodrey, Mayor

ATTEST: \_\_\_\_\_

**CERTIFICATE**

I, the undersigned Clerk of Council for the City of Trenton, Ohio, Ohio, hereby certify that the foregoing Ordinance No. \_\_\_\_\_ is a true and correct copy as passed by the Council of the City of Trenton, Ohio on the \_\_\_\_ day of \_\_\_\_\_, 2021 and that at least a majority of the elected members voted in the affirmative on said motion.

**CERTIFICATE**

I, the undersigned Clerk of Council for the City of Trenton, Ohio, Ohio, hereby certify that the foregoing Ordinance No. \_\_\_\_\_ is a true and correct copy as passed by the Council of the City of Trenton, Ohio on the \_\_\_\_ day of \_\_\_\_\_, 2021 and that at least a majority of the elected members voted in the affirmative on said motion.

\_\_\_\_\_  
Clerk of Council

## **EXHIBIT A**

### **1268.02 PERMITTED USES; CATEGORIES OF PUDS.**

An application for PUD zoning shall specify the land use category being requested. An application may specify areas proposed to be developed under different PUD categories or under combinations of PUD categories and conventional zoning. Once PUD zoning is approved, land uses are limited by two factors: (1) the PUD category for which application was made; and (2) the authority and discretion of the Planning Commission, in its approval of the general plan as approved by Council and/or final development plan, to determine which of the allowable uses in the category may be permitted, in what combination, intensity and location, and under what conditions.

PUDs may be applied for under any of the following land use categories:

(a) Planned Unit Development–Residential (PUD-R) may allow any permitted use in any Residential Zoning District;

(b) Planned Unit Development–Office (PUD-O) may allow any permitted use in any Office Zoning District;

(c) Planned Unit Development–Commercial (PUD-C) may allow any permitted use in any Commercial Zoning District;

(d) Planned Unit Development–Industrial (PUD-I) may allow any permitted use in any Manufacturing Zoning District; and

(e) Planned Unit Development–Mixed Use (PUD-MU) may allow any combination of any permitted uses in any commercial, manufacturing, office, or residential zoning district.

ORDINANCE NO. \_\_\_\_\_ -2021

**AN ORDINANCE AMENDING SECTION 1268.03 AREA, DENSITY AND LOT REGULATIONS OF THE CODIFIED ORDINANCES OF THE CITY OF TRENTON, OHIO.**

**WHEREAS**, it is the desire of City Administration to amend the codified ordinances as it relates to PUD regulations within the City of Trenton; and

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TRENTON, OHIO:**

**SECTION 1:** That Section 1268.03 of the Code of Ordinances of the City of Trenton, Ohio is hereby deleted in its entirety and replaced with that set forth on Exhibit A, attached hereto and made a part hereof.

**SECTION 2:** That this Ordinance shall take effect and be in full force from and after the earliest period allowed by law.

CERTIFICATE

I, the undersigned Clerk of Council for the City of Trenton, Ohio, Ohio, hereby certify that the foregoing Ordinance No. \_\_\_\_\_ is a true and correct copy as passed by the Council of the City of Trenton, Ohio on the \_\_\_\_ day of \_\_\_\_\_, 2021 and that at least a majority of the elected members voted in the affirmative on said motion.

\_\_\_\_\_  
Clerk of Council

## **EXHIBIT A**

### **1268.03 AREA, DENSITY AND LOT REGULATIONS.**

(a) Minimum Area for Development. A PUD shall contain a minimum of 5 acres. All land within the development shall be contiguous in that it shall not be divided into segments by a tract of land not owned by the landowner of the PUD, a limited access highway, a collector street, a minor arterial street, or a principle arterial street. Only public or private Cul-de-sac streets and local streets containing rights-of-way for public or private utilities are permitted within a PUD unless otherwise approved by the Planning Commission.

ORDINANCE NO. \_\_\_\_\_ -2021

**AN ORDINANCE AMENDING SECTION 1268.04(a) INTERIOR STREETS OF THE  
CODIFIED ORDINANCES OF THE CITY OF TRENTON, OHIO.**

**WHEREAS**, it is the desire of City Administration to amend the codified ordinances as it relates to PUD regulations within the City of Trenton; and

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF  
TRENTON, OHIO:**

**SECTION 1:** That Section 1268.04 (a) INTERIOR STREETS of the Code of Ordinances of the City of Trenton, Ohio is hereby deleted in its entirety and replaced with that set forth on Exhibit A, attached hereto and made a part hereof.

**SECTION 2:** That this Ordinance shall take effect and be in full force from and after the earliest period allowed by law.

PASSED: \_\_\_\_\_  
Effective Date: \_\_\_\_\_  
ATTEST: \_\_\_\_\_

\_\_\_\_\_  
Calvin Woodrey, Mayor

CERTIFICATE

I, the undersigned Clerk of Council for the City of Trenton, Ohio, Ohio, hereby certify that the foregoing Ordinance No. \_\_\_\_\_ is a true and correct copy as passed by the Council of the City of Trenton, Ohio on the \_\_\_\_ day of \_\_\_\_\_, 2021 and that at least a majority of the elected members voted in the affirmative on said motion.

\_\_\_\_\_  
Clerk of Council

## **EXHIBIT A**

### **1268.04 INTERIOR STREETS.**

(a) Interior streets shall be constructed according to City structural specifications, as delineated in the Subdivision Regulations, and properly lighted and maintained to conform with City ordinances. Their minimum paved roadway widths shall ordinarily be as delineated in the Subdivision Regulations and in the Thoroughfare Plan. However, approval of interior access streets with different nonstructural dimensions will be considered by the Planning Commission and Council where the developer can demonstrate substantial compliance with the Subdivision Regulations and Thoroughfare Plan and receive approval from the City Engineer. Approval of the PUD with such differences will constitute lawful approval of a waiver of the Subdivision Regulations and Thoroughfare Plan. Where streets are constructed pursuant to such a waiver, such streets shall be privately owned and maintained, and shall be constructed entirely within a public access easement unless otherwise approved by Planning Commission. All public access easements shall be designated on the general plan, the final development plan, and the record plan for each section of the development.

ORDINANCE NO. \_\_\_\_\_-2021

**AN ORDINANCE AMENDING SECTION 1268.06 OFF-STREET PARKING OF THE  
CODIFIED ORDINANCES OF THE CITY OF TRENTON, OHIO.**

**WHEREAS**, it is the desire of City Administration to amend the codified ordinances as it relates to PUD regulations within the City of Trenton; and

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF  
TRENTON, OHIO:**

**SECTION 1:** That Section 1268.06 of the Code of Ordinances of the City of Trenton, Ohio is hereby deleted in its entirety and replaced with that set forth on Exhibit A, attached hereto and made a part hereof.

**SECTION 2:** That this Ordinance shall take effect and be in full force from and after the earliest period allowed by law.

PASSED:

Effective Date:

ATTEST:

Calvin Woodrey, Mayor

CERTIFICATE

I, the undersigned Clerk of Council for the City of Trenton, Ohio, Ohio, hereby certify that the foregoing Ordinance No. \_\_\_\_\_ is a true and correct copy as passed by the Council of the City of Trenton, Ohio on the \_\_\_\_ day of \_\_\_\_\_, 2021 and that at least a majority of the elected members voted in the affirmative on said motion.

\_\_\_\_\_  
Clerk of Council

## **EXHIBIT A**

### **1268.06 OFF-STREET PARKING.**

(a.) There shall be provided outside the public or private right-of-way the minimum number of parking spaces required in Chapter 1262 of this Zoning Code. Where appropriate, common driveways, parking areas, walks and steps shall be provided, maintained and lighted for night use. Screening of parking or service areas may be required through ample use of trees, shrubs, hedges and screening devices.

(b.) All non-residential parking spaces and service drives shall be improved with bituminous, concrete or equivalent surfacing as approved by Staff and the City Engineer.

(c.) All residential parking spaces shall be improved with concrete or equivalent surfacing as approved by Staff and the City Engineer and so graded and drained to properly collect all surface water accumulation within the area. All paved areas in PUD districts shall be curbed to City street specifications unless waived by the Planning Commission for good cause.



ORDINANCE NO. \_\_\_\_\_ -2021

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TRENTON, OHIO:**

**SECTION 1:** That Section 1268.07 of the Code of Ordinances of the City of Trenton, Ohio is hereby deleted in its entirety and replaced with that set forth on Exhibit A, attached hereto and made a part hereof.

**SECTION 2:** That this Ordinance shall take effect and be in full force from and after the earliest period allowed by law.

PASSED:

Effective Date:

ATTEST:

Calvin Woodrey, Mayor

CERTIFICATE

I, the undersigned Clerk of Council for the City of Trenton, Ohio, Ohio, hereby certify that the foregoing Ordinance No. \_\_\_\_\_ is a true and correct copy as passed by the Council of the City of Trenton, Ohio on the \_\_\_\_ day of \_\_\_\_\_, 2021 and that at least a majority of the elected members voted in the affirmative on said motion.

\_\_\_\_\_  
Clerk of Council

## **EXHIBIT A**

### **1268.07 COMMON OPEN SPACE.**

(a) Amount and Character.

(1) For PUD-R. A minimum of 25% of the total acreage, unless waived or amended by the Planning Commission for good cause, in a proposed development permitted by this chapter shall be dedicated to public and/or private open space or recreation facilities available to all occupants of the PUD. This open space shall not include dwellings, streets, parking areas, or residential lots. Such open space shall be clearly shown on the general plan and shall be physically situated so as to be readily accessible, available to and usable by all residents of the PUD. Water retention and detention areas may be included in common open space if attractively developed.

ORDINANCE NO. \_\_\_\_\_ -2021

**AN ORDINANCE AMENDING SECTION 1268.12 EROSION AND SEDIMENTATION CONTROL OF THE CODIFIED ORDINANCES OF THE CITY OF TRENTON, OHIO.**

**WHEREAS**, it is the desire of City Administration to amend the codified ordinances as it relates to PUD regulations within the City of Trenton; and

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TRENTON, OHIO:**

**SECTION 1:** That Section 1268.12 of the Code of Ordinances of the City of Trenton, Ohio is hereby deleted in its entirety and replaced with that set forth on Exhibit A, attached hereto and made a part hereof.

**SECTION 2:** That this Ordinance shall take effect and be in full force from and after the earliest period allowed by law.

PASSED: \_\_\_\_\_

Effective Date: \_\_\_\_\_

ATTEST: \_\_\_\_\_

\_\_\_\_\_  
Calvin Woodrey, Mayor

**CERTIFICATE**

I, the undersigned Clerk of Council for the City of Trenton, Ohio, Ohio, hereby certify that the foregoing Ordinance No. \_\_\_\_\_ is a true and correct copy as passed by the Council of the City of Trenton, Ohio on the \_\_\_\_ day of \_\_\_\_\_, 2021 and that at least a majority of the elected members voted in the affirmative on said motion.

\_\_\_\_\_  
Clerk of Council

## **EXHIBIT A**

### **1268.12 EROSION AND SEDIMENTATION CONTROL**

Effective erosion and sedimentation controls shall be planned and applied according to the requirements per section 1212.05 SOIL AND WATER MANAGEMENT STANDARDS of the City code.

ORDINANCE NO. \_\_\_\_\_ -2021

**AN ORDINANCE AMENDING SECTION 1268.24 REVISION OF APPROVED FINAL DEVELOPMENT PLAN OF THE CODIFIED ORDINANCES OF THE CITY OF TRENTON, OHIO.**

**WHEREAS**, it is the desire of City Administration to amend the codified ordinances as it relates to PUD regulations within the City of Trenton; and

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TRENTON, OHIO:**

**SECTION 1:** That Section 1268.24 of the Code of Ordinances of the City of Trenton, Ohio is hereby deleted in its entirety and replaced with that set forth on Exhibit A, attached hereto and made a part hereof.

**SECTION 2:** That this Ordinance shall take effect and be in full force from and after the earliest period allowed by law.

PASSED:

Effective Date:

ATTEST:

Calvin Woodrey, Mayor

CERTIFICATE

I, the undersigned Clerk of Council for the City of Trenton, Ohio, Ohio, hereby certify that the foregoing Ordinance No. \_\_\_\_\_ is a true and correct copy as passed by the Council of the City of Trenton, Ohio on the \_\_\_\_ day of \_\_\_\_\_, 2021 and that at least a majority of the elected members voted in the affirmative on said motion.

\_\_\_\_\_  
Clerk of Council

## **EXHIBIT A**

### **1268.24 REVISION OF APPROVED FINAL DEVELOPMENT PLAN.**

Final development plans may be amended as follows:

**(a.) Major Changes.**

Changes that alter the intent of the final development plan, including increases or decreases in area, increases in density, changes in the location or amount of non-residential land use, reductions of proposed open space, significant redesign of roadways, drainage, and housing type and distribution, shall be reviewed by the Planning Commission for approval as stated in section 1268.21 of this chapter.

**(b.) Moderate Changes.**

The Planning and Zoning Administrator, after consultation with the Staff and/or the City Engineer, may authorize structural dimensional changes such as lot lines provided that they do not increase density, changes in building heights by not more than ten (10) feet, and changes in building setbacks by not more than fifteen (15) feet, provided the perimeter setbacks, yards and buffers remain in compliance. Moderate changes do not require a Public Hearing or Planning Commission review and approval.

**(c.) Minor Changes.**

The Planning and Zoning Administrator, after consultation with the Staff and/or the City Engineer, may authorize minor adjustments in the final development plan that become necessary because of field conditions, detailed engineering data, topography or critical design criteria. The Planning and Zoning Administrator, after consultation with staff and/or the City Engineer, may approve these minor adjustments to revise size and location of drainage ways, sewers, roadways, retaining walls or similar features and to substitute landscape materials in light of technical or engineering considerations. Minor changes do not require a Public Hearing or Planning Commission review and approval.

**(d.)** Nothing in this section shall preclude any property owner to carry out routine maintenance and repair of facilities located within an approved



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final development plan, provided that such maintenance and repair do not violate the approved final development plan.